

OTTOMAN SOCIETY AND STATE
IN THE LIGHT OF THE
FATWAS OF İBN KEMAL

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A THESIS
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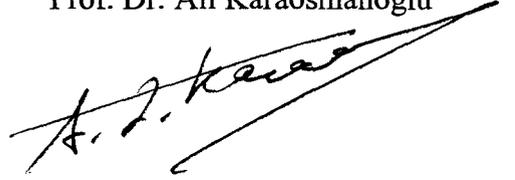
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ABSTRACT

The fetvas are good historical sources for shedding light on the society and the state. This study is an attempt to use the fetvas for such a purpose. For example, by looking at the fetvas of the Shaikhu'l-İslam İbn Kemal it is possible to get an idea about the history of the Rafizîs in the Ottoman Empire (Kızılbaşs and Kalandarîs). In contrast to the modern conception which conceives the Rafizîs as one homogenous entity, İbn Kemal thought that the Rafizîs were only a threat when they followed the political enemy of the Ottomans, the Safavids. For İbn Kemal a Kızılbaş did not necessarily mean a heretic. The Sufis also come up frequently in the fetvas of İbn Kemal. He opposes the Sûfî beliefs and the practices which contradicted the Orthodox Sunni Islam such as monism and Sûfî dancing. The arguments developed by both sides occasionally pertaining to the realm of the political authority show how deeply-rooted were the problems related with Sûfism. It is also possible to see the general structure of the Ottoman society in the fetvas of İbn Kemal which was mainly divided along the religious lines. The legitimacy/protection discussion for the descendants of the Prophet, Âl-i Resul, and for the state officers implies that İbn Kemal served in the maintenance of the state's Sunni ideology and authority. In the discussion of the Shari'a vs. the secular law, İbn Kemal turns out to be quite familiar with the notion of secular law. His legitimizing a traditional tax, that is the collection of *çift-resmi* tax, within the framework of the Shari'a meant that İbn Kemal served the state apparatus with his Shaikhu'l-İslam identity. In this, İbn Kemal was also a precursor to Abu Su'ud. In addition to his fetvas İbn Kemal wrote approximately 220 works which are listed at the end.

ÖZET

Fetvalar tarih çalışmalarında toplum ve devlete ışık tutan kaynaklardır. Bu tezde fetvaların bu amaçla kullanılmasına çalışılmıştır. Örnek olarak Şeyhü'l-İslam İbn Kemal'in fetvalarına bakarak Osmanlı İmparatorluğunda yaşamış Rafizîlerin (Kızılbaşlar) tarihi hakkında bir fikir edinmek mümkündür. İbn Kemal günümüzde Rafizîleri bir homojen kitle olarak kabul eden düşüncenin aksine Onları sadece Osmanlılar'ın politik düşmanları olan Safavilere taraftar oldukları zaman bir tehdit unsuru olarak görmüştür. Kızılbaş İbn Kemal için mutlaka sapık inançlı kişi demek değildi. İbn Kemal'in fetvalarında Sûfiler de sıklıkla görülür. İbn Kemal Ortodox Sünni İslamla bağdaşmayan vahdet-i vücud veya devran gibi Sûfî inanış ve tatbikatlarına karşı çıkmıştır. Her iki tarafın zaman zaman siyasi otoriteyi ilgilendiren iddialar ortaya koymaları sûfilikle ilgili problemlerin oldukça köklü problemler olduğunu gösterir. İbn Kemal'in fetvalarında dinsel farklılıkların belirleyici rol oynadığı Osmanlı genel toplum yapısını da görmek mümkündür. Peygamber neslinden gelenler ve devlet görevlilerinin meşruluğu/korunmaları ile ilgili tartışmadan İbn Kemal'in devletin Sünni ideolojisini ve otoritesini korumaya çalıştığı izlenimi edinilmektedir. Şeriata karşı Şeriat dışı hukuk konusunda İbn Kemal'in kanun kavramına hiç de yabancı olmadığı ileri sürülmüştür. Geleneksel bir vergi olan çift resmini Şeriat çerçevesince almaya kalkması O'nun bir Şeyhü'l-İslam olarak devlet mekanizmasına hizmet ettiğini gösterir. Bu çalışmanın sonunda İbn Kemal'in yazdığı 220 civarında eserin isimleri verilmiştir.

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CHAPTER 1

INTRODUCTION

This thesis is a study of the Ottoman society and state from the perspective of İbn Kemal's fatwas. Usually, a fatwa consists of a question and an answer. A person puts forward a question requiring a response in religion to the mufti who is considered to be fully competent in religious sciences by the consensus of the Moslem believers. In return the mufti gives his authoritative answer. The question may be about any unclear issue such as whether it is right to eat sea-gulls, or about the land system of a state, and the answer is to follow the opinion of the religious authorities. In the Ottoman Empire it was a common practice to collect the fatwas of famous muftis as books in order to refer to them when a need occurred, and İbn Kemal was one of those people whose fatwas were collected for future use. The present study takes two of these collections as its basis.

In determining the fatwa collections to be studied for the purposes of this thesis the main concern was choosing the most voluminous collections which had the highest degree of authenticity. Six fatwa collections of İbn Kemal turned out to be the most voluminous ones. One of them is in Amasya Sultan Bayezid Library; Ba 05 937/1-2. This collection is approximately 180 leaves. Although the contents of it shows a considerable degree of similarity with the contents of other fatwa collections of İbn Kemal, there are no signs in it signifying that the collection belongs to İbn Kemal. Therefore, the authenticity of the fatwas in it is debatable.

The second fatwa collection in İzmir 9 Eylül İlahiyat Fakültesi Library; no. 27482 is almost 120 leaves. This collection contains fatwas of Abu Su'ud and some rare fatwas as

well as the fatwas of İbn Kemal according to a note on the first page of it. Therefore, it did not qualify for the purposes of the present study.

The fatwa collection in Millet Kütüphanesi in İstanbul; Ali Emîrî Şer'iyye 79, is about 180 leafs and does not have a note telling that the fatwas in it are the fatwas of İbn Kemal. Besides a fatwa in page 68 of this collection shows that the value of kuruş changed from 40 (akças) to 80 (akças). If we consider that neither kuruş, nor a hundred percent inflation were at stake during the life time of İbn Kemal it turns out that this collection contains fatwas from later periods. Therefore, this collection was not also reliable.

As a difference from all the above three fatwa collections, the collection in Taksim Belediye Kütüphanesi in İstanbul; Muallim Cevdet O44, has a note on the first page saying that the collection consists of the fatwas of İbn Kemal mentioning no other names. Besides, being over 300 leafs this collection is the largest collection of the İbn Kemal's fatwas to my knowledge. However, I believe that several fatwas from later periods mixed into this collection. For example, in leafs 60-61 there are fatwas about running away from the military service or in the war. Leaf 128 talks about cedîd akça whereas in leaf 22 we see zuyûf akca, hurde akça, and guruş. All of these reminds the late 16th century administrative/economic problems of the Ottoman Empire which were not quite common during the life-time of İbn Kemal. Considering these, this collection was eliminated.

An other collection of fatwas is in Nuruosmaniye kütüphanesi in İstanbul; no.1566. It consists of nearly 180 leafs, but more important than its large volume is the fact that the muftis who gave the answers to the fatwas in this collection are stated by their names. This collection contains fatwas from muftis like İbn Kemal, Abu Su'ud, and

Çivizâde. However, frequently a note showing the attribution of the fatwa to a certain mufti lacks in this collection. Therefore, this collection is useful to limited extent, but among the fatwa collections mentioned above it has the highest degree of authenticity.

Even more authentic than the Nuruosmaniye collection seems to be the collection in İstanbul Üniversitesi Merkez Kütüphanesi; T 6253. This manuscript is 99 leafs and is divided into two parts. In the introduction of the first part the writer states that he wrote this collection in order to tell those moslems, who did not know enough about the religious affairs, the answers of İbn Kemal. The introduction shows that the writer is deliberately choosing the fatwas of İbn Kemal. At the end of the first part the writer gives the total number of fatwas he wrote as 980 showing his seriousness in the business of fatwa writing. Additionally, there are no fatwas in this fatwa collection which seems to be belonging to people other than İbn Kemal.

The second part, which is not a collection of fatwas, immediately follows the first part. In the second part, the character of the writing does not change which suggests that the writers of the first and the second parts were the same person. This is important because in introduction of the second part, page 61b, the writer declares his identity as Ahmed bin Mustafa eş-şehir bi-Lâli. In Meşairu'ş-Şuara 105b Aşık Çelebi talks about a certain Lâli who was the fatwa scribe of İbn Kemal and who collected his fatwas. Quite probably, these two Lâlis are the same person because again in page 61b Ahmed bin Mustafa tells that he served as a fatwa scribe under Sadi Çelebi (d. 1538, he became mufti after İbn Kemal), and also that he collected the fatwas of past muftis. Under the light of these, İstanbul Üniversitesi collection can be considered as an authentic copy.

When compared with the Nuruosmaniye collection it comes out that the Nuruosmaniye collection is a partial copy of the İstanbul Üniversitesi collection. For

example, the very beginning of the Nuruosmaniye collection which is in Arabic is full of grammar mistakes whereas the İstanbul Üniversitesi collection expresses the same thing with a good Arabic. Approximately, the first 600 fatwas in both collections go parallel. Nevertheless, there are several fatwas which appear in only one of the collections. When such fatwas appeared in the Merkez Library collection I did not question their authenticity since I believe that the whole manuscript is reliable. When such fatwas appeared in the Nuruosmaniye collection I took them into account if there was a note at the end of the fatwa showing that the fatwa belonged to İbn Kemal. Otherwise, I ignored them. In sum, these two collections were chosen because they had the highest degree of authenticity and the largest volume.

As for the chapters of this study, the second chapter presents a brief discussion of İbn Kemal's biography in order to give an idea about İbn Kemal. The remaining chapters are going to deal with some specific questions on the basis of İbn Kemal's fatwas including the Rafizî problem, Sûfism, Sûfî ritual dancing (raks), the society and the state, and the relation between İbn Kemal and the secular law: anything pertaining to the sphere of the civil law is left out.

The Rafizî problem constitutes the third chapter because it is a significant socio-political problem of the early 16th century Ottoman Empire, and İbn Kemal was directly involved in this problem. This chapter begins with a discussion of the historical setting. İbn Kemal's risala declaring the heresy of the Rafizîs, and the necessity to wage war on them follows it. The last section discusses the Rafizî problem according to the fatwas of İbn Kemal.

The Sûfism issue manifested itself by the abundance of the fatwas about Sûfism. This chapter begins with a brief discussion of the socio-religious background. The second

section discusses İbn Kemal's personal opinion about Sûfism. The third section deals with some Sûfî beliefs and practices that İbn Kemal opposed. The fourth section traces the influence of a radical Sûfî current, Hurûfism, on İbn Kemal. The fifth section points to the clash between the Sûfîs and the established authority. The last section discusses the Mawlavî and the Halwatî orders, as the orders which appear significantly in the fatwas.

The fifth chapter about derwish ritual dancing, raks, stands as a separate chapter from Sûfism because it came out to be the major debate in the Sûfism problem. In this chapter a brief introduction about raks comes first. The second section is about a related concept, zikr. The definition of raks and samâ' constitute the third section. Condemnation in return for favoring raks follows next. The Sûfî arguments legitimizing raks form the fifth section. The sixth section discusses the crime of defending raks publicly. The final section focuses on the risala of İbn Kemal prohibiting raks.

Next two chapters came into being as a result of a particular interest in public law. In the sixth chapter, I tried to figure out the general organization of the Ottoman society, and the relation between the society and the state in the light of the fatwas. This chapter draws the general outlines of the Ottoman society and determines the administrative figures and the state officers: the first section states the main social distinctions according to the religious lines. The second section is about the administrative figures and the state officers such as i.) the Padişah, ii.) preacher, iii.) imâm, iv.) kadı, v.) nâib. The third section discusses the protection of these above figures against insult and degradation. The fourth section discusses bribery. The last section is about protecting two legal instruments, fatwa and the Sultanîc decree, against abuse.

The last chapter about the relation of İbn Kemal to the secular law distinguishes itself from the preceding chapters by its depending on a quite few, but nevertheless

meaningful fatwas. The first section is a general introduction of a well-known debate: the Shari'a vs. the secular law. The second section discusses İbn Kemal's approach to the secular law. Next section treats İbn Kemal in relation to the general Ottoman kânûnnâmes. Similarly, the fifth section shows İbn Kemal's attitude before an element of the secular law; siyâsa. Finally, the discussion of one of the most significant achievements of İbn Kemal, the accomodation of Ottoman land law and the Shari'a, ends the chapter.

CHAPTER 2

İBN KEMAL's BIOGRAPHY

1. His Birth and Family

Ahmed Şemseddin bin Süleyman, or shortly İbn Kemal, was born in 873/ 1463-1469¹. According to Mecdî² and Sehi Bey³ İbn Kemal's birth place is Edirne whereas in Latifi's tezkire it is Tokat⁴. Hüseyin Hüsameddin offers Amasya as a third possibility⁵. One modern scholar, Şerafettin Turan, thinks that among the above three cities Edirne is the most probable one to be the birth place of İbn Kemal because the sources agree upon the fact that İbn Kemal's youth was spent in Edirne⁶. In opposition to Turan, Saraç claims that Amasya or Tokat, but not Edirne, should be the birth place of İbn Kemal because İbn Kemal's father, Şücaeddin Süleyman Bey, was in Tokat around 873, and he held offices in Tokat and Amasya around the same date⁷. İsmet Parmaksızoğlu offers Tokat as the most probable option paying attention to İbn Kemal's family background⁸. There is also no clear answer to the question where İbn Kemal grew up. Whereas Saraç claims that İbn Kemal spent his childhood in Amasya and Tokat, Latifi⁹ and Faik Reşad¹⁰ think that he grew up in Edirne. The controversy about İbn Kemal's early years seems to be persisting for the moment.

¹Yekta Saraç in his book *Şeyhülislam Kemal Paşazade Hayatı, Şahsiyeti, Eserleri ve Bazı Şiirleri*, (İstanbul: Risale, 1995) p.15, İsmet Parmaksızoğlu in *İslam Ansiklopedisi "Kemal Paşa-zade"*, and Şerafettin Turan in his book *Tevârih-i Âl-i Osman VII. Defter*, Türk Tarih Kurumu Yayınları III. Dizi Sayı 5-1 (Ankara: 1991) p. IX, all refer to Katip Çelebi's *Sullemu'l-Vusul* for the birth date of İbn Kemal.

²Meçdi Mehmed Efendi, *Şakavık-ı Numaniye ve Zeyilleri Hadaiku's-Sakaik*, ed. Abdülkadir Özcan. vol. 1. (İstanbul: Çağrı, 1989) 381.

³Günay Kut, *Heşt Bihişt: Kut Beg Tezkiresi*, ed. Şinasi Tekin, Gönül A. Tekin. *Doğu Dilleri ve Edebiyatlarının Kaynakları 5. Türkçe Kaynaklar 5.* (Harvard Üniversitesi, 1978) 154.

⁴Mustafa İsen, *Latifi Tezkiresi*, Kültür Bakanlığı Yayınları 1120, 1000 Temel Eser Dizisi 149. (Ankara: 1990) 96. Faik Reşad, *Eslaf: Mütakaddimin-i 'ulamâ ve Suara-vı Osmanîye'nin Teracim-i Ahvaliyle Asar-ı Müntebevesini Havi Tezkire*, (İstanbul: 1312) 6.

⁵Saraç, ibid. 16.

⁶Turan, ibid. X. İsen, ibid. Faik Reşad, ibid.

⁷Saraç, ibid. 16-17.

⁸Parmaksızoğlu, ibid.

⁹İsen, ibid.

¹⁰Faik Reşad, ibid.

On the other hand, there is more concrete information about İbn Kemal's family. According to Hüseyin Hüsameddin's Amasya Tarihi İbn Kemal was a descendant of a certain Bedreddin Doğan-ı Türkmani, a scholar who died in 1339¹¹. One of the branches of this Doğan family continued through Kemal Paşa who was the grandfather of İbn Kemal. The Kemal Paşa branch was especially famous and maintained its preeminence until the end of 16th century. The most significant characters of the Doğan family were Kemal Paşa (Kemaleddin Mehmed Paşa) and his grandson, İbn Kemal. However, this information is controversial. Saraç refers to an other version of Amasya Tarihi and gives the family line of İbn Kemal as the following: Şemseddin Ahmed Şah Çelebi b. Sücaeddin Süleyman Bey b. Vezir Kemaleddin Ahmed Paşa b. el-Hac Taceddin İbrahim Çelebi b. Hayreddin Halil Çelebi b. el-Hac İbrahim Bey b. Hacı Alaeddin Ali Şah b. el-Hac Nureddin Kutlu Bey b. Cemaleddin Firuz Bey b. Şemseddin Mahmud et-Tugrai b. Baba İlyas Horasani¹². There are two problems here. First, the name of İbn Kemal's grandfather becomes Kemaleddin Ahmed instead of Kemaleddin Mehmed¹³. More significant than this, there is no Bedreddin Doğan-ı Türkmani in the above family line meaning that Hüseyin Hüsameddin falls into conflict with himself.

Nevertheless, the fact that İbn Kemal's family was a member of the umerâ class from the father side seems to be well-established. Taşköprülüzade states that İbn Kemal's forefathers (cedd) belonged to the umerâ class¹⁴. Ata'i in his Hadaik adds that they were among the important umerâ¹⁵. İbn Kemal's grandfather, who is shortly referred as Kemal

¹¹Hüseyin Hüsameddin, Amasya Tarihi, Amasya Belediyesi Kültür Yayınları 1. (Ankara: 1986).

¹²Saraç, 15. Saraç identifies this copy of the Amasya Tarihi as Hüseyin Hüsameddin, Amasya Tarihi, vol. 6, (manuscript written by the author in the Süleymaniye Kütüphanesi) in the bibliography and in p. 15 of his book Sevhülislam İbn Kemal. However, it was not possible for me to find this version of Amasya Tarihi in Süleymaniye Kütüphanesi, so I could not check the above information about the family line of İbn Kemal.

¹³In Hüseyin Hüsameddin, Amasya Tarihi, vol. 3. (İstanbul: 1927), p. 170, İbn Kemal's grandfather's name is Kemaleddin Ahmed, so Ahmed seems to be his real name.

¹⁴Taşköprülüzade, Es-Saka'iku'n-Nu'maniye fi 'ulamâi'd-Devleti'l-Osmaniye, ed. Ahmet Subhi Fırat. İstanbul Üniversitesi Edebiyat Fakültesi Yayınları 3353. İstanbul: 1985. 377.

¹⁵Nev'izade Ata'i, Sakayık-ı Numaniye ve Zeyilleri Hadaiku'l-Hakaik fi Tekmileti's-Sakaik, ed. Abdülkadir Özcan. vol. 2. (İstanbul: Çağrı, 1989) 381.

Paşa, was a vizier of Mehmed II according to Sehi Bey¹⁶. Yet, two other sources, Amasya Tarihi and Hadikatu'l-Cevami show Kemal Paşa with Şehzade Bayezıd. Amasya Tarihi claims that Kemal Paşa was a vizier of Şehzade Bayezıd in Amasya, and he died in 875/1470 because of his sorrow when Uzun Hasan's army plundered Sivas and Tokat¹⁷. According to Hadikatu'l-Cevami, Kemal Paşa was a tutor (lala) of Bayezıd¹⁸.

In Amasya Tarihi Hüseyin Hüsameddin asserts that Kemal Paşa and his son Süleyman are buried in Amasya¹⁹. Yet, in Sicill-i Osmani and in Hadikatu'l-Cevami it is stated that their tombs is next to the Kemal Paşa Mosque (Kemal Paşa Mescidi) in Kemal Paşa district in İstanbul²⁰. According to Barkan and Ayverdi²¹ this district, which they call Kemal Paşa Türbesi Mahallesi, is one of the earliest districts of İstanbul which evolved around a center other than a mosque, that is around the tomb of Kemal Paşa. The mosque named after Kemal Paşa was built later and İbn Kemal set up a vakf for this mosque in 936/1529-1530.

For İbn Kemal's father, Süleyman Bey, Parmaksızoğlu states that he served during the conquest of İstanbul with the forces of Amasya Sancağı and this Süleyman Bey may also be the same Süleyman who became the first subaşı of İstanbul²². Turan finds the claim that Süleyman Bey served during the conquest of İstanbul doubtful²³. Nevertheless, Parmaksızoğlu, Turan, and Saraç, all referring to Amasya Tarihi, accept that Süleyman Bey became the muhafız of Amasya as a retinue of Şehzade Bayezıd²⁴. In

¹⁶Kut, 154.

¹⁷Hüseyin Hüsameddin, (1927) 227.

¹⁸Hüseyin Ayvansarayı, Hadikatu'l-Cevami, no print information, Hacı Reşid 55, Süleymaniye Kütüphanesi. 181.

¹⁹Hüseyin Hüsameddin, (1927) 170.

²⁰Mehmet Süreyya, Mehmed Süreyya, ed. Seyit Ali Kahraman, vol. 4. Tarih Vakfı Yurt Yayınları 30. (İstanbul: Türkiye Ekonomik ve Toplumsal Tarih Vakfı, 1996) 78. Hadikatu'l-Cevami, 180.

²¹Ömer L. Barkan and Ekrem H. Ayverdi, İstanbul Vakıfları Tahrir Defteri 953 (1546) Tarihli. İstanbul Fetih Cemiyeti Enstitüsü 61. İstanbul: 1970. 149.

²²Parmaksızoğlu, ibid.

²³Turan, ibid. X.

²⁴Parmaksızoğlu, ibid. Turan, ibid. X-XI. Saraç, ibid. 17.

883/1478-79 Süleyman Bey became the sancak bey of Tokat²⁵. Saraç says that Süleyman Bey was accused of helping Karamanoğlu Mehmed Bey for declaring independence in Karaman in 904/1498-99, and was put into prison in Yedikule in İstanbul²⁶. However, Süleyman Bey got out of the prison before he died²⁷.

Süleyman Bey's wife was the daughter of a famous scholar, İbn Küpeli, who was contemporary with Mehmed II²⁸. On the other hand, Ménage, referring to Şakayık, claims that the wife of Süleyman Bey was the sister of İbn Küpeli²⁹. İbn Küpeli served as a kadı'askar between 867/1462-63 and 872/1469-70, and died in 874/1469-70³⁰. As İbn Kemal's grandfather from the mother side was an outstanding scholar, his grandfather from the father side, Kemal Paşa, should also be a sophisticated person because he served as a nişancı in the court of Şehzade Bayezid in Amasya³¹. İbn Kemal's aunt, the sister of his mother, was married to an other outstanding scholar, Sinan Paşa who was well-known for his open-mindedness³². Thus, it is possible to claim that in addition to belonging to the umerâ class, the cultural and scholarly sophistication of İbn Kemal's family was considerably high.

About the other members of İbn Kemal's family there is little amount of information. İbn Kemal had two brothers called Halil Çelebi and Mehmed Şah Çelebi. His uncle was Mehmed Çelebi³³. He had a son named İbrahim Çelebi and a daughter, Safiye Hatun, who was married with Abdülvehhab Efendi, the son of Müeyyedzade

²⁵Turan, *ibid.* XI.

²⁶Saraç, *ibid.*

²⁷*ibid.*

²⁸Mehmed Süreyya, *Sicill-i Osmani*, (Matbaa-i Amire, 1308) 197.

²⁹Encyclopeadia of Islam, s.v. "Kemal Pasha-zade" by V.L. Ménage

³⁰Mehmed Süreyya, (İstanbul: 1996) 338-339.

³¹Parmaksızoğlu, *ibid.*

³²İsmail Hakkı Uzunçarşılı, *Osmanlı Tarihi: İstanbul'un Fethinden Kanuni Sultan Süleyman'ın Ölümüne Kadar*. vol.2. TTK yayınlarından XII. Dizi Sayı 16b1, (Ankara: 1975) 658.

³³see index entry under "Kemal Paşa" in Tayyib Gökbilgin, *XV-XVI. Asırlarda Edirne Paşa Livası Vakıflar-Mülkler-Mukataalar*, İstanbul Üniversitesi Yayınları 508, (İstanbul: 1952)

Abdurrahman Efendi³⁴. In the Ottoman written literature the title "çelevi" denoted the high religious personalities and famous authors until 17th century. Therefore, it is possible to claim that the above relatives of İbn Kemal belonged to the ilmiyye class. Pir Ali, who was İbn Kemal's cousin³⁵, can be the same Pir Ali who became a müderris in Kürkçübaşı, Sinan Paşa and Hankah medreses, and died in 1599-1600³⁶.

2. İbn Kemal's Joining to the İlmiyye Class

In his early years İbn Kemal studied "the fundamentals of sciences (mebani-i 'ulum)"³⁷. The education he received in his early years must be one of a high level because when İbn Kemal decided to join the ilmiyye class he attended to a dâru'l-hadis medrese which was a specialization medrese at the highest level³⁸. The prerequisite for a dâru'l-hadis medrese was completing the lower level general medreses or having the corresponding level of education³⁹. Therefore, it is estimated that İbn Kemal's training was sufficient for carrying on a specialized study.

A support for this estimation comes from Şakayık. It says that İbn Kemal grew up in a medium of pampering and glory, and then, a love of cultural attainment occurred in him, and he dealt with learning intensively⁴⁰. Nevertheless, after completing his basic education İbn Kemal preferred the umerâ class instead of the 'ilmiyye⁴¹ following the family tradition. Parmaksızoğlu suggests that İbn Kemal entered the aşığı-altı-bölük

³⁴Saraç, ibid. 26.

³⁵Gökbilgin, ibid.

³⁶Mecdi, ibid. 432.

³⁷ibid. 381.

³⁸Cahid Baltacı, XV-XVI. Asırlar Osmanlı Medreseleri Teşkilat Tarih, (İstanbul: 1976) 12.

³⁹Baltacı, 21.

⁴⁰Taşköprülüzade, 377.

⁴¹Mecdi, 381.

sipahi class⁴², and according to İlmîyye Salnamesi he joined several campaigns during the reign of Bayezîd II⁴³.

The story of his joining the umerâ class is as the following⁴⁴: İbn Kemal was in a campaign of Bayezîd II and İbrahim Paşa ibn Halil Paşa was the grand vizier. In this campaign there was also an outstanding commander, Ahmed Bey ibn Evrenos. One day, in a meeting in which this outstanding commander was present, a man in very bad clothes arrived, and sat above Ahmed Bey although none of the members of the umerâ class could take a seat higher than Ahmed Bey because he had such a high status. İbn Kemal was not even sitting but standing. İbn Kemal got very surprised with the bold behavior of this apparently simple man and asked who he was. Learning that he was Molla Lütfi, a müderris in Filibe who received a daily salary of 30 akças, İbn Kemal's next question was how this molla could sit above Ahmed Bey although he was such a low level müderris. The reply was that the scholars received respect for their knowledge and the commander (Ahmed Bey) and the Grand Vizier would not be contented if this was not so. Then İbn Kemal thought that it was impossible for him to reach the level of outstanding commander as a member of umerâ but it was possible to reach the level of Molla Lütfi by studying 'ilm. When the campaign ended İbn Kemal entered the service of Molla Lütfi who had then become a müderris in Dâru'l-hadis of Edirne, and he dealt with learning from then on.

Parmaksızoğlu, criticizing Katip Çelebi and Âli who claim that this incident took place in 906/1500-01 and in 903-905/1498-1500 respectively, asserts that the above incident took place during the Arnavutluk campaign in 1492⁴⁵.

⁴²Parmaksızoğlu, *ibid.*

⁴³İlmîyye Salnamesi, Matbaa-i Amire: 1333. 346.

⁴⁴Taşköpülüzade, 377-378.

⁴⁵Parmaksızoğlu, *ibid.*

With Molla Lütfi İbn Kemal studied the book called *Hâşiyatu Şarhi'l-Matâli*⁴⁶. After Molla Lütfi several scholars such as Molla Kesteli (Muslihiddin Mustafa), Molla Hatîbzade (Muhyiddin Mehmed) and Molla Mu'arrifzade (Sinaneddin Yusuf) became his instructors⁴⁷. In 899/1493-94 he began his studies with Molla Kesteli⁴⁸. During his education İbn Kemal was in Edirne and Üsküp⁴⁹.

In terms of scholar tradition İbn Kemal followed the tradition of al-Razi⁵⁰. Molla Fenari (1350-1431) was the founder of al-Razi school in the Ottoman Empire, and it is possible to trace the link between Molla Fenari and İbn Kemal: Molla Fenari taught Molla Yeğen who taught Hızır Bey. Four students of Hızır Bey were Bursalı Hocazade, Molla Kesteli, Molla Hatipzade and Sinan Paşa. Molla Lütfi, who taught İbn Kemal in the *Dâru'l-hadis* of Edirne, was a student of Sinan Paşa⁵¹. This also shows that besides a kinship relation, there was also a scholar link between the well-known scholar Sinan Paşa and İbn Kemal.

3. İbn Kemal's Carrier

After İbn Kemal completed his education he applied to Hacı Hasanzade Mehmed Efendi, the kadı'askar of Rumeli, for being appointed as a müderris. As Hacı Hasanzade

⁴⁶Under the title *Hâşiyatu Şarhi'l-Matâli* there are two books. One belongs to Seyyid Şerif Cucani (1340-1413) and the other belongs to Ali Tusi (?-1482). Ahmet Özel, *Hanefi Fıkıh Alimleri*, Türkiye Diyanet Vakfı Yayınları 47, Kaynak Eserler Serisi 1 (Ankara: 1990) 89,103.

⁴⁷Taşköprülüzade, *ibid.* 378.

⁴⁸Saraç, *ibid.* 21.

⁴⁹Mustakimzade Süleyman Saduddin, *Devhatu'l-Mesayih*, Milli Kütüphane, Yz A 3681. Manuscript of the author. 56b. Yekta Saraç gives further detail about İbn Kemal's education: he studied with Molla Kesteli until Kesteli died in 905/1499-1500. In 905 he went to Amasya and studied there with a certain Bahşi Efendi. In 908/1502-03 he came to İstanbul and applied for the office of müderris at Taşlık medresesi in Edirne. Saraç, *ibid.* 21-22. Saraç refers to the above mentioned (see f-note 12) *Amasya Tarihi* which I was not able to find.

⁵⁰Uzunçarşılı, *ibid.* 591.

⁵¹*ibid.*

was jealous of him İbn Kemal was offered a minor kadı post. The kadı'askar of Anadolu, Müeyyedzade Abdurrahman Efendi (1456-1516), who was a friend of İbn Kemal's father, suggested İbn Kemal to pretend as if he accepted the kadı post. When Hacı Hasanzade asked the confirmation of Bayezid II for the appointment of İbn Kemal to the kadı post Müeyyedzade found the occasion to defend İbn Kemal. According to Mecdî this was the occasion when İbn Kemal came into eminence⁵²: Müeyyedzade praised İbn Kemal before Sultan Selim? and stated that İbn Kemal was the only person who could rightly write the history of the Ottoman family in Turkish. Consequently, İbn Kemal received 30.000 akças for writing the "Tevârih-i Al-i Osman." He was also appointed to Taşlık Medresesi (also called Ali Bey Medresesi) in Edirne.

Mecdî says that this incident took place during the reign of Selim I. However, İbn Kemal was already a müderris in Taşlık Medresesi on 10 Muharrem 909/5 July 1503⁵³. Hence, it is certain that his appointment to Taşlık Medresesi took place during the reign of Bayezid II. On 10 Muharrem İbn Kemal received a grant of 5000 akças and a cloak as a müderris of 30 akça Taşlık Medresesi. His receiving such a high grant despite working in a low level medrese may be because those 5000 akças and the cloak were a part of the 30000 akça grant for writing the history of the Ottomans.

An other question worth asking is when exactly İbn Kemal's appointment took place. Saraç states that it was in 908/1502-03⁵⁴. This date can possibly be his date of appointment because Müeyyedzade was the kadı'askar of Anadolu between 1501-05⁵⁵. On the other hand, Parmaksızoğlu claims that İbn Kemal's appointment can not be before 911/1505-06⁵⁶. However, the document about the 10 Muharrem grant mentioned above

⁵²Mecdî, ibid. 384.

⁵³Belgeler TTK Dergisi, 9 (1979) 298.

⁵⁴Saraç, ibid. 22.

⁵⁵Uzunçarşılı, ibid. 663.

⁵⁶Parmaksızoğlu, ibid.

falsifies his claim. Given the above, it comes out that İbn Kemal's education lasted for ten years between 1492-1502.

According to Hüseyin Ayvansarayi İbn Kemal was residing sometimes in Dobnice and sometimes in Sofia when he became a müderris (to the medreses in Edirne and in Üsküp)⁵⁷. His appointment to the medrese (İshak Paşa Medresesi) in Üsküp was also by the help of Müeyyedzade⁵⁸. Taşköprülüzade gives the further carrier of İbn Kemal in the following way⁵⁹: after Taşlık Medresesi, in 911/1505-06 he promoted to İshak Paşa Medresesi in Üsküp which was a forty akça medrese⁶⁰. Then he became a müderris in fifty akça Halebiyye Medresesi in Edirne in 912/1506-7⁶¹. According to Saraç, İbn Kemal hold a müderris office in fifty akça Üç Şerefeli Medresesi simultaneously with Halebiyye Medresesi⁶². İbn Kemal became a müderris in Çifte Ayak Kurşunlu Medresesi, one of the 50 akça Sahn-ı Seman Medreses in İstanbul, in 914/1508-1509⁶³. When Müeyyedzade was dismissed from the office of kadı'askar of Rumeli in 921/1515, İbn Kemal was sent to fifty akça Sultan Bayezid Medresesi in Edirne⁶⁴.

İbn Kemal became the kadı of Edirne in 921/1515⁶⁵. Next, he became the Kadı'askar of Anatolia in 922 until 925 (1516-1519)⁶⁶. Within this period he joined the

⁵⁷Hüseyin Ayvansarayi, ibid. 181. According to Babinger İbn Kemal resided both in Dobnice (he reads as Dupniçe) and Sofia was in order to write "Tevarih-i Âl-i Osman".

⁵⁸ibid.

⁵⁹Taşköprülüzade, ibid. 378.

⁶⁰Mecdi, ibid. 385. Baltacı, ibid. 260. Saraç, ibid. 23.

⁶¹Baltacı, ibid. 225. Saraç, ibid.

Parmaksızoğlu claims that İbn Kemal promoted to Halebiyye Medresesi in 918/1512-13 because he wrote his Risala al-Kafiya, whose title is a chronogram giving the date 918, when he was in Halebiyye Medresesi. Although Mecdi in *Hadaik* confirms that the title of the above risala is a chronogram giving the date 918, he does not say that İbn Kemal wrote this risala when he was a müderris in Halebiyye Medresesi. Moreover, Parmaksızoğlu does not show a source for his claim that İbn Kemal wrote this risala when he was at Halebiyye Medresesi. Parmaksızoğlu, ibid.

Baltacı also states the date of his appointment to Halebiyye Medresesi as 918. Saraç, ibid. 23.

⁶²Baltacı, ibid. 453. Saraç, ibid.

⁶³Baltacı, ibid. 375. Saraç, ibid.

⁶⁴Uzunçarşılı, ibid. 664. Baltacı, ibid. 481. Saraç, ibid. Baltacı claims that İbn Kemal became a müderris to Edirne Bayezid Medresesi in 919. Baltacı, ibid. 481.

⁶⁵Mustakimzade, ibid. Taşköprülüzade, ibid. 378. Ayvansarayi, ibid. 181.

⁶⁶Ayvansarayi, ibid.

Egypt campaign of Selim I, and in this campaign he was dismissed from the office on 21 Rabi'u'l-evvel 923 as some people were jealous of him⁶⁷, but reappointed on 5 Rebi'u'l-ahir (13-28 April 1517)⁶⁸. According to Evliya Çelebi, the mawlavîyyet of Egypt was granted to İbn Kemal, and he was also charged with the land-survey (tahrir) of Egypt together with Hayre Bey and Gazali⁶⁹. At the end of this survey they saw that everything in Egypt was in vakf status⁷⁰. Then, İbn Kemal was discharged from the office of mawlavîyyet of Egypt⁷¹.

In 925/1519 İbn Kemal was dismissed from the office of kadı'askar of Anadolu⁷². He probably did not hold any office for a year. In 926/1519-20 he became müderris in Dâru'l-hadis in Edirne⁷³ for a daily salary of 100 akças⁷⁴. Following this appointment, he also received a post in Sultan Bayezıd Medresesi in Edirne⁷⁵. Thus, it is possible to suggest that İbn Kemal's thought of being a second Molla Lütfi realized in 18 years between 1492-1520. Considering that İbn Kemal spent 10 years of this 18 years for education, it comes out that 8 years was enough for him to climb up to the level of his proffessor.

Finally, in 932/1525-26 İbn Kemal became the Shaikhu'l-İslam instead of Zenbilli Ali Cemâli, and stayed in this office until his death in 2 Şevval 940 (16 April 1534).

⁶⁷ Faik Reşad, *ibid.* 8.

⁶⁸ Saraç, *ibid.*

⁶⁹ Evliya Çelebi b. Derviş Muhammed Zilli Topkapı Sarayı Bağdat 304 Yazmasının Transkripsiyonu Dizini Evliya Çelebi Sevhathnamesi I. Kitap: İstanbul, ed. Orhan Şaik Gökyay, (Yapı Kredi Yayınları, 1995) 143.

⁷⁰ Although Evliya Çelebi does not seem too be reliable in the information he gives (for example, İbn Kemal's being granted the mevlevîyyet of Egypt does not come up in any other source to my knowledge. Also Evliya Çelebi says that İbn Kemal was the kadı'askar of Rumeli during the conquest of Egypt although he was the kadı'askar of Anatolia in fact.), what he says about the abundance of vakfs in Egypt can help in explaining why a second survey of Egypt became necessary after a few years in the middle of 1520's.

⁷¹ Evliya, *ibid.*

⁷² Taşköprülüzade, *ibid.* 378.

⁷³ Mustakimzade, *ibid.*

⁷⁴ Parmaksızoğlu, *ibid.*

⁷⁵ Mecdi, *ibid.* 382.

4. İbn Kemal's Character

İbn Kemal was a very dignified and virtuous person perfect in knowledge⁷⁶. He had good moral qualities and a good, concise manner of speaking, in addition to being well-mannered and intelligent⁷⁷. According to Faik Reşad, he had a cheerful visage as he was a witty person fond of joking⁷⁸. His habit of not using a pseudonym in his poetry suggests that İbn Kemal did not like ostentation⁷⁹. His will also shows that İbn Kemal did not like ostentation: he willed his funeral to be carried in a humble way in the manner of dervishes⁸⁰.

The sources agree that İbn Kemal was a hard-working scholar. Mecdî says that he spent all of his time for 'ilm⁸¹. His pen never became lax and he wrote whatever he argued in his mind⁸². Evliya Çelebi says that the amount of İbn Kemal's writings were endless, he was unique in his age, and he was also unique in the science of fortune-telling ('ilm-i cifr)⁸³. For Faik Reşad, İbn Kemal continuously dealt with 'ilm, answering 1000 fatwas, teaching hundreds of students, and writing a booklet everyday⁸⁴.

This amount of work for just one day is probably an exaggeration, but answering 1000 fatwas may occasionally be true because it is known that Abu Su'ud once answered 1412 fatwas in a day, and 1413 fatwas in an other occasion⁸⁵. Heyd asserts that answering such a huge number of fatwas indicated bureaucratization in the Ottoman

⁷⁶Taşköprülüzade, *ibid.* 381, 383.

⁷⁷Mecdî, *ibid.* 385.

⁷⁸Faik Reşad, *ibid.* 10.

⁷⁹Mecdî, *ibid.* 382. *Evliya*, 143.

⁸⁰Saraç, *ibid.* 87.

⁸¹Mecdî, *ibid.*

⁸²Taşköprülüzade, *ibid.* 378.

⁸³*Evliya*, 70.

⁸⁴Faik Reşad, *ibid.*

⁸⁵Uriel Heyd, "Some Aspects of the Ottoman Fatwa" *London University School of Oriental and African Studies* 32 (1969): 35-56. p. 47.

Empire since the reign of Süleyman I: giving fatwas developed into a well-organized office with a certain division of labor among several officers such as fatwa emini, mübeyyiz, shaikhu'l-islam, mukabeleci and müvezzi⁸⁶. İbn Kemal also had a certain Lâli with him as his scribe of fatwa (kâtib-i fatwa) who collected many fatwas of him⁸⁷.

An anecdote which I was not able to see in any of the sources show that İbn Kemal had a developed sense of responsibility for the fatwas he issued⁸⁸. Once İbn Kemal and a shaikh named Muhyiddin al-İskilibî were together, and the shaikh went into meditation (...murâkabe olub...). After the meditation the shaikh said that he had met the Prophet in his meditation, and the Prophet ordered him to tell the mufti (İbn Kemal) that İbn Kemal had issued five fatwas conflicting with the Shari'a that week. The Prophet said that İbn Kemal should correct those fatwas and also change his mistaken opinion about the relevant Shar'î issues. Hearing this İbn Kemal admitted that he had realized his mistake after issuing those fatwas, and tried to find the people who asked them, but he could not find them.

Nevertheless, İbn Kemal received a general appreciation for his success in issuing fatwas. Mecdî claims that he was the most wonderful (person) in the business of fatwa so that, not only human-beings, but also djinns (cinler) asked fatwas from him. For this reason İbn Kemal was also referred as müftiyyü's-sakaleyn (müfti of the man and the djinn)⁸⁹. Evliya Çelebi also agreed with Mecdî in calling İbn Kemal müftiyyü's-sakaleyn⁹⁰.

An other example of İbn Kemal's hard-working and intelligence was the incident in which he answered the questions of an Arab scholar. This scholar gave İbn Kemal a

⁸⁶ibid.

⁸⁷G.M. Meredith-Owens, *Meşairü's-Suara or Tezkere of Aşık Celbi* (London: Messrs. Luzac and Company, 1971) 105b.

⁸⁸Ata'i, ibid. 350.

⁸⁹Mecdi, ibid. 382.

⁹⁰Evliya, 151.

book full of complex problems, and demanded their solutions in the name of the scholars of Egypt. İbn Kemal was able to fulfill this demand over the night and present the answers the next morning⁹¹.

5. İbn Kemal's Death

İbn Kemal died on 2 Şavval 940 (16 April 1534)⁹². He was buried next to the zaviye of Mahmud Çelebi⁹³ outside Edirnekapı. Although some authors give his date of death as 941⁹⁴, this is a mistake which stems from the chronogram written for the death of İbn Kemal. The chronogram is: irtihala al-'ulûm bi'l-Kamal. When it is erroneously written as irtihâla the date becomes 941⁹⁵. Upon his death several people wrote chronograms. "Vay gitdi Kemali bu asrın! (Alas! The perfection of the century is gone)" is an other example of these. Mecdî's Hadaik is rich in these examples⁹⁶. As stated in his will, İbn Kemal wanted a simple funeral and a modest grave. In his article named "Müftiyyü's-Sakaleyn" Ayverdi proves by photographs that his will for a modest grave realized through the centuries that passed after his death⁹⁷.

As an observer of the Shari'a, İbn Kemal was against the popular practice of visiting the tombs of religiously significant personalities, and seeking recovery from diseases by their mediation (fatwas 1,2) . Ironically, his grave became a popular visiting place. People believed that İbn Kemal had influence over the people and the djinns, and

⁹¹Mecdî, ibid. 384.

⁹²ibid. 385.

⁹³Son-in-law of a certain Şeyh Ahmedu'l-Buhari. Mustakimzade, ibid.

⁹⁴For example see Evlîya 151.

⁹⁵Turan, ibid. XV.

⁹⁶Mecdî, ibid. 385.-

⁹⁷Ekrem Hakkı Ayverdi, "Müftiyyü's-Sakaleyn" Kubbealtı Akademi Mecmuası no. 1 (1975): 24-31. 28-29.

visiting his grave at dawn for three consecutive fridays came to be accepted as a cure for epilepsy⁹⁸.

⁹⁸Evliva, 151.

CHAPTER 3

HERESY AND HERETICS IN THE FATWAS OF İBN KEMAL

1. The Problem of Heresy and Heretics: The Ottoman Rafizîs

Although the term Rafizî refers to Shi'is, the Ottomans used this term with a wider connotation including those who resembled the Shi'is. Thus the Kızılbaş and the Kalenderîs came under the Rafizî category, too⁹⁹. In this study the term Rafizî refers to the Kızılbaş and the Kalenderîs excluding the Shi'ites: the meaning of the term is limited to the Ottoman Rafizîs.

As mentioned above the people who came to be called Rafizîs in 16th century were Kalenderîs and Kızılbaş who existed since several centuries with their well known heterodox beliefs and anti-order philosophies leading them into a constant opposition with the established socio/political order¹⁰⁰. These people began to be called Rafizîs when they gained a Shi'ite character as a result of the Safavid influence on them. Although their heterodox beliefs and opposition to social and political order existed even before the Safavid influence, they did not seem to pose a serious threat to the Ottomans as they did after adopting a Shi'ite character.

Why the Rafizî identity seemed especially threatening after adopting a Shi'ite character can be explained by the centralization of the Ottoman state, and the rise of the Safavid state. The Kızılbaş component of Rafizîs were mainly nomadic Turcoman tribes. During the centralization process of the Ottoman Empire these tribes faced a constant

⁹⁹Ahmet Yaşar Ocak, "Türk Heterodoksi Tarihinde "Zındık"- "Harici"- "Rafizi"- "Mulhid" ve "Ehl-i Bidat" Terimlerine Dair Bazı Düşünceler", *İstanbul Üniversitesi Edebiyat Fakültesi Tarih Enstitüsü Dergisi* 12, (1981/82), 514,519.

¹⁰⁰idem., *Osmanlı İmparatorluğunda Marjinal Süfilik Kalenderiler*. Türk Tarih Kurumu Yayınları VII. Dizi 130 (Ankara, 1992), 5, 126.

pressure from the state in order to control, tax, and settle them. Moreover, an alienation between the state and the Kızılbaş occurred as the non-Turkish origin state officers, who were the products of the devshirme system, became the mediators between the state and the Turkish Kızılbaş population¹⁰¹. The other component of the Rafizîs, the Kalenderîs, were already against any established social or political order as a result of their world view.

The Safavids rising in the East appealed to the Ottoman Rafizîs both religiously and in terms of life style. Religiously, the Rafizîs and the Safavids shared Shi'ism as a common creed. Also, seemingly, the heterodox character of the Ottoman Rafizîs conformed with Shi'ism more easily than it conformed with the Orthodox Sunnism of the Ottoman state. In terms of life style, the tribal character of the Safavids promised the nomadic Turkish tribes maintaining their usual life style.

From the Safavid point of view, there was the economic concern for controlling the trade routes over Mesopotamia and Iran. Because of the geography only 1/3 of the lands in Iran were economically exploitable. Therefore, fertile areas and trades routes were especially attractive for the Safavids, and domination over the eastern Anatolia implied the control of the eastern Mediterranean trade, i.e. the trade from India¹⁰². Eastern Anatolia was one of the strategic regions to control this trade. Thus, the Rafizî population in Anatolia turned out to be the strategic element that could serve the Safavids' aim to control eastern Anatolia.

The above economic consideration of the Safavids was valid for the Ottomans, too. Additionally, Safavid propaganda for gaining the Rafizî population meant a threat

¹⁰¹Jean-Louis Bacques-Grammont, "1527 Anadolu İsyanı Hakkında Yayınlanmamış Bir Rapor", *Belleken* 51, (1987), 108.

¹⁰²Hans Joachim Kissling, "Şah İsmail 1er, La nouvelle Route des Indes et les Ottomans", *Turcica* 6 (1975): 92-94,101.

for the integrity of the Ottoman Empire¹⁰³. Three big Rafizî rebellions in the 1511-12, 1520, and 1526 show to what extent the Rafizîs posed a threat for the Ottoman rule¹⁰⁴.

To maintain the unity, the Ottomans persecuted the threatening Turcomans mercilessly. It is reported during the reign of Selim I over 40000 Rafizî Turcomans who were accused with recognizing Shah İsmail as their religious and political leader were killed¹⁰⁵ so that the total killings exceeded 40000¹⁰⁶. Inspection of the population, in order to detect the Rafizîs, was also a common practice¹⁰⁷. The ideological legitimization of the suppression was easy to find: the Ottomans adopted the role of the defenders of Orthodox Sunnism against those -infidels-. The politics of Sunnism was to save the integrity of the state¹⁰⁸.

The Rafizî notions like tecellâ; the manifestation of God as a human being, tenâsuh; incarnation and multiplicity of forms¹⁰⁹, and the Shi'ite concept of imâmate became the points of attack against the Rafizîs for the Sunni 'ulamâ. The Ottoman 'ulamâ legitimized the persecution of the Rafizîs in their risalas and fatwas by claiming that the Rafizîs were not true Moslems. Two of such risalas are well-known. The first risala, which belongs to Nureddin Sari Gürez, states that the Kızılbaş are heretics denying Islam and that they should be killed¹¹⁰. İbn Kemal wrote a similar risala¹¹¹, and these two risalas particularly legitimized the Çaldıran Campaign of Selim I.

¹⁰³Irene Beldecianu-Steinherr, "Le Regne de Selim 1er: Toumant dans la Vie Politique et Religieuse de l'Empire Ottoman", *Turcica* 6, (1975), 48.

¹⁰⁴Grammont, "1527...", 107-113.

¹⁰⁵Ahmet Refik, *On Altıncı Asırda Rafizilik ve Bektasılık*, (İstanbul: 1932), 12.

¹⁰⁶Şehabettin Tekindağ, "Yeni Kaynak ve Vesikaların Işığında Yavuz Sultan Selim'in İran Seferi", *İstanbul Üniversitesi Edebiyat Fakültesi Tarih Dergisi* 17 (22), 3.67, p. 56.

¹⁰⁷Ahmet Refik, *ibid.*

¹⁰⁸Steinherr, *ibid.*

¹⁰⁹Irene Melikoff, "L'Islam Heterodox en Anatolie", *Turcica*, 6 (1975): 150.

¹¹⁰Tekindağ, *ibid.*, 53.

¹¹¹İbn Kemal, *İkâr-i Şia*, Halet Efendi 815, Süleymaniye Kütüphanesi, 82a 83b.

2. The Ottoman Rafizîs According To The Risala Of İbn Kemal¹¹²

According to the risala the news began to spread and the signs increased in the Moslem countries that a group from Shi'ites became victorious to such an extent that they reveal their false madhab and curse the caliphs Abu Bekr, 'Omar and Osman. The characteristics of this group are the following: they not only curse the above caliphs but also deny the caliphate of them. Additionally, they curse the Shari'a and the followers of it. They curse the muctahids. They claim that Shah İsmail, their religious leader, can determine what is canonically lawful and what is canonically forbidden.

As the next step in the risala İbn Kemal states the decision about this group: without doubt they are infidels who apostatized. Therefore, their country has the Dar al-harb status, the animals they slaughter are like animals which died by themselves (so their meat can not be eaten), wearing their red kalansuva (a kind of head-gear) when there is no necessity tends to be blasphemy, they are apostates, the Moslems can take their possessions, women, and children.

Finally, İbn Kemal states what should be done about them. Killing their men is a religious duty (vâcib) and similarly it is the religious duty (vâcib) of the Sultan to wage war on them. If a person leaves the Dar al-islam and chooses their false religion, then the sentence is death (for him), and his wife should marry to somebody else. War against them is a religious must (farz-ı 'ayn) for the Moslems.

One point that draws attention in this risala is that all the qualities such as cursing the above caliphs, and not accepting their caliphates are attributed to a group from the

¹¹²ibid.

Shi'ites. İbn Kemal condemned not all of the Shi'ites, but only a group among them, the followers of Shah İsmail¹¹³.

From the accusations İbn Kemal made against this group, it is possible to deduce the concept of right religion according to İbn Kemal: the caliphs, their caliphates, the Shari'a, the followers of Shari'a and the muctahids must be respected. A person should not eat the meat of the animals slaughtered by the Rafizîs, should not wear their head-gear (which means that a person should not adopt their distinct dressing style), and should not prefer the country of these people instead of the abode of Islam.

3. The Ottoman Rafizîs In The Fatwas Of İbn Kemal

The word Rafizî does not come up in İbn Kemal's fatwas. There are two occasions in which the word Kızılbaş appears, but only one of these occasions is about the Rafizî problem. Similarly, the word Kalenderî does not get mentioned, however, its synonym, Işık, comes up twice in the fatwas of İbn Kemal.

Fatwa 3 mentions a case in which a person, who is not a Kızılbaş, swears at a person who is a Kızılbaş. Although the first person curses at the madhab of the Kızılbaş, he makes it clear that he does not mean the Kızılbaş madhab in general, but only the madhab of the particular Kızılbaş whom he swears at. İbn Kemal gave a conditional answer about what should be done for the person who cursed: if the Kızılbaş in concern belongs to the heretic madhab, by which he probably meant the madhab of the Rafizîs,

¹¹³İsmail Safa Üstün, "Heresy and Legitimacy in the Ottoman Empire in the Sixteenth Century." Ph.D. thesis, University of Manchester, 1991. 50.

then cursing of it did not necessitate anything to be done. This answer shows that it was possible to be a Kızılbaş, and not belong to the heretic madhab.

Fatwa 4 asks whether calling an Işık heretic, and giving him money is a proper action. İbn Kemal again gave a conditional answer: giving money is a proper action, but calling an Işık heretic is not proper if there is not a reason for it. As stated above, in his risala about the Rafizîs İbn Kemal aimed only at a group from the Shi'a. All of the above indicate that İbn Kemal did not condemn all of the Kızılbaşs, the Kalenderîs, or the Shi'a: again referring to his risala about the Rafizîs, it was probably the followers of Shah İsmail whom İbn Kemal condemned.

Among the fatwas of İbn Kemal about Rafizîs, the fatwas which are written for insulting the Sunni religious personalities seem to be the most significant manifestations of the Rafizî problem. These fatwas about the insults can be categorized according to the degree of punishment they received. The lightest cases are those which do not necessitate any action. Next are the cases that require repentance (*istiğfâr*). The heaviest cases are those for which capital punishment is given.

The lighter cases which require no action, or only repentance are about Caliph Ali and Yezid, known for allowing the killing of the Prophet's grand child, Husayn. The first fatwa asks what happens if a person says "I love all of the four friends of the Prophet (the four caliphs), but I love Ali exceptionally" (fatwa 5). The second case asks what happens if a person says "we are from the subjects of Muhammad and Ali (fatwa 6). The third asks the same question for saying "O Muhammad! O Ali!" all the time instead of saying "O Lord" (fatwa 7). For İbn Kemal, these three cases are not religious offenses, therefore, no action is necessary for them.

The above cases reflect the typical Shi'i emphasis on Ali in the form of an exaggerated love and exalted status. This emphasis, despite it is Shi'i origin, penetrated a large section of the population through the Sûfi orders¹¹⁴. Therefore, it is not certain whether the above statements about Ali were pronounced by Rafizîs or not. Nevertheless, a Rafizî bias is detectable in them, and İbn Kemal did not find any problem with this bias. The last case reminds the Rafizî idea of the appearance of God in the forms of Muhammad and Ali, but İbn Kemal does not comment on using the phrase "O Muhammad! O Ali!" equivalently to the phrase "O Lord" at all. He suffices with the obvious meaning of the question.

The fatwas about Yezid are about cursing (la'net) him and accusing him of blasphemy (fatwas 8,9) since he betrayed the grand child of the Prophet (fatwa 10). For İbn Kemal, no action is required for cursing Yezid, but one should not claim blasphemy because of killing the grand child of the Prophet. Nevertheless, İbn Kemal says that it is possible to accuse Yezid of blasphemy because he wrote a verse praising wine (fatwa 11).

İbn Kemal's further commenting on Yezid's blasphemy, although he answered the question presented to him adequately, seems interesting. Fatwa 9 shows that İbn Kemal personal thought was in favor of Yezid. İbn Kemal says that accusing Yezid with blasphemy requires repentance, because the companions of the Prophet (sahaba) prayed behind Yezid when he was the imâm: if Yezid were blasphemous then this would mean the companions of the Prophet made a mistake by accepting Yezid as their imâm, and attributing such a mistake to the companions of the Prophet requires repentance. İbn

¹¹⁴ Abdülbaki Gölpınarlı, *Melamîlik ve Melamiler* (İstanbul Devlet Matbaası: 1931), 197.

Kemal held the opinion that the companions of the Prophet confirmed Yezid's faith by praying behind him.

Despite this Ibn Kemal recognized the possibility of Yezid's blasphemy, which is a Shi'ite claim. This recognition of him could not be due to a Shi'ite sympathy: it was stated above that Ibn Kemal was among the 'ulamâ who legitimized action against the Rafizîs. There remains a speculative explanation for the question why Ibn Kemal tried to legitimize a Shi'ite claim about Yezid's blasphemy.

According to an Islamic interpretation accusing a Moslem of blasphemy, although he is not really so, makes the person who makes the accusation blasphemous. In application this interpretation implied that if Yezid was not blasphemous then the people who claimed blasphemy for Yezid would themselves become blasphemous. However, declaring the blasphemy of masses of people would urge the state to take action against those masses since the state's role of the defender of Islam required fighting against blasphemy. By making the blasphemy of Yezid possible Ibn Kemal was ensuring the faith of masses of people, and cancelling the necessity of an action by the state against blasphemy. Hence, Ibn Kemal came into a position which somehow defended the Rafizî population.

When Ibn Kemal's statements in his risala about the Rafizîs, his fatwas about cursing the Kızılbaş madhab, calling a Kalenderî heretic, and calling Yezid blasphemous are evaluated together, it is possible to assert that Ibn Kemal particularly condemned the Rafizîs around Shah İsmail: the Rafizîs who did not follow Shah İsmail did not seem threatening for Ibn Kemal¹¹⁵.

¹¹⁵The reason why only the followers of Shah İsmail seemed to dangerous is probably that these followers accepted the authority of Shah İsmail and manifested this by inviting the Shah to Anatolia.

One of the fatwas which inflicted a heavier punishment is about cursing Muaviye. The punishment is *tâzir-i beliğ*, heavy deterrence (fatwa 12). The other fatwas with similar heavy punishments are about the typical Shi'ite/Rafizî practice of cursing the three caliphs Abu Bekr, 'Omar, and Othman (fatwas 13, 14)¹¹⁶. In return for this crime İbn Kemal gave an extra punishment in addition to heavy deterrence; *siyâseten katl*. It is not usual for a religious authority to inflict *siyâseten katl* punishment (there are only two cases in which İbn Kemal gave this punishment) because the legitimization for inflicting this punishment is not purely religious; but comes to a considerable extent from the authority of the ruler. By deciding at this punishment in the religious case of a fatwa question İbn Kemal seems to be moving from religious domain into a secular domain. However, the discussion of İbn Kemal and *siyâseten katl* punishment is postponed to the relevant chapter.

The heaviest punishment related with the Rafizîs was for cursing the Prophet Muhammad. For İbn Kemal, it required capital punishment, and there was no way of avoiding execution for this punishment (i.e. by repenting) once it was proven cursing had taken place (fatwa 15). In the Islamic literature the possibility of repentance for cursing the Prophet was a controversial issue: some of the 'ulamâ thought that repentance could save one from capital punishment. However, the above fatwa shows that İbn Kemal chose the radical side which did not tolerate cursing the Prophet at all. Moreover, in fatwa 16 İbn Kemal said that serving as a witness against one who committed this crime was necessary when there was also the option to keep it as secret. Thus, he stated that it was necessary to make it manifest when the crime of cursing the Prophet was committed.

¹¹⁶Fatwa 14 mentions "*çehâr yâr*". Cursing all of the caliphs is not conceivable by the Shi'is since it would mean cursing Ali, too. The reason why all of the four caliphs get mentioned may be that in fact the other three were being cursed except Ali but as a categorical name these three were also referred as "*çehar yar*". When the person asking the fatwa wanted to use the names of the caliphs instead of the categorical term he mentioned all the four.

From the above fatwas it is possible to deduce that İbn Kemal adopted a mild approach to the moderate aspects of the Rafizîs such as exalting Ali, and opposition to Yezid. However, he showed the most strict protection for the most eminent figures of Islam and did not hesitate even to use a tool of the secular authority, *siyâseten katl*, for realizing this protection.

Apart from offenses against the religious personalities, an other aspect of the Rafizî problem turns out to be the offenses against Sunni individuals. In fatwa 17 a person ordered an other to curse Abu Bekr, 'Omar and Othman and threatened him with death if he did not curse. The threatened person refused to curse and was killed¹¹⁷. In the similar fatwa 18 a group of people forced a person to curse the Prophet in order not be killed¹¹⁸. These two fatwas show that the Rafizîs could also adopt severe practices against the Sunnis.

CONCLUSION

Acquiring a Shi'i character transformed the Ottoman Rafizîs into a political threat for the Ottoman Empire. For the Ottomans the most important concern in the Rafizi problem seemed to be that of maintaining the social order. To realize this aim, the Ottomans preferred to persecute the threatening element by adopting the role of a defender of Orthodox Sunni Islam which legitimized taking action against the Rafizîs, and the Safavids.

¹¹⁷The question is whether he is a sinner since he chose death. According to İbn Kemal he is not a sinner.

¹¹⁸The question is which one he should chose. İbn Kemal says that he should not chose death.

İbn Kemal played a direct role in this legitimization by writing a risala. It seems that İbn Kemal wrote this risala with the purely political aim of legitimizing war against the Safavids and the Ottoman Rafizîs rather than with a scholarly aim of refuting the religious arguments of his opponents which were in contradiction with the Orthodox Sunni Islam. The significant point in this risala was that İbn Kemal condemned only the followers of Shah İsmail among all the Shi'ites. In parallel with this, the fatwas showed that the plain Kızılbaş or Kalenderî identity was not enough to declare one's heresy; one should be following the heretic madhab. The discussion about Yezid's blasphemy suggested that İbn Kemal could even try to conform a Shi'ite belief with the Sunni view when it would serve the integrity of the political and social order.

Additionally, İbn Kemal required the protection of the leading Sunni characters; the Prophet, the three caliphs, and even the controversial character, Muaviye. This protection strengthened by the infliction of *siyâseten katl* punishment for cursing the caliphs and by İbn Kemal's discretionary intolerance for cursing the Prophet all implied İbn Kemal's heavy emphasis on Sunnism facing the Rafizî offenses against these characters. The fatwas in which Sunnis were forced to curse the Prophet and the three caliphs under the threat of death showed that the Rafizîs could also adopt harsh practices against the Sunnis.

As a conclusion it is possible to say that İbn Kemal was tolerant towards the Rafizî population as long as they did not pose a threat for the political and social order. This threat could manifest itself on various grounds such as accepting the authority of the Safavids, physical assaults on the Sunni individuals, and offending the leading Sunni characters to whom the Ottomans developed an ideological attachment as the defenders of the Shari'a. However, once the Rafizîs became a threat İbn Kemal did not hesitate to take action against them.

CHAPTER 4

SÛFÎSM

1. A General Background

The aim of Sûfism is to reach God's essence, the absolute truth, through denunciation of one's self. Although it is generally considered a branch of Sunni Islam, there are points where Sûfism conflicts with Sunnism. The Sûfî view that intention is more important than the deed, and Sûfîs' lax opinion of the obligations of the Shari'ah are two of these points. Moreover, due to its tolerant and lax character Sûfism could keep in it Shi'ite influences and Ibn al-Arabi's controversial monist philosophy, *vahdet-i vücûd*. Again owing to a such character the well-known controversial Sûfî rituals such as recitation of God aloud (*cehrî zikr*) and dervish ritual dancing (*samâ' or raks*) could survive in Sûfism: ecstasy obtained through *zikr* and *samâ'* was considered to be a way to reach God.

In the first half of the millenium Anatolia presented a colorful mosaic in terms of both people and their creeds. The main distinction can be one of the settled and the nomadic population. The settled population consisted of two components: the native population with their established religion and cults, and the immigrants who came into contact with them whose dominant quality was being Moslems and Turks. The contact of the native population and the immigrants led to an eclectism in religion. For example, in time common shrines for Christians and Moslems developed. Nevertheless, over time the main religious characteristics of the settled population turned out to be Sunni Islam. Sûfism within this population was more orthodox in comparison to the Sûfism in nomadic population. The Sûfî leaders of 13th century, such as Djelaleddin Rumi, were

the followers of İbn al-Arabi, and this added a significant monist element to the relative Orthodoxy of urban Sûfism¹¹⁹.

The nomadic population mainly consisted of Turkmen tribes which immigrated to Anatolia within centuries. As their nomadism helped them to escape the full control of a central state authority, these tribes were able to maintain the remnants of their central-Asian traditions and religion despite their superficial islamization. A popular Sûfi doctrine, Kalenderî-Abdal-Babai form of Sûfism, spread among these tribes mixed with their central-asian shamanism. The kind of Sûfism that spread among the Turcoman tribes was radically more heterodox than the one that spread among the settled population, especially in the urban areas, due to this central Asian elements as well as due to the Shi'ite influences.

This was the historical background on which İbn Kemal faced the Sûfism issue. The cases brought before him could be the products of the above scene: there could be a remnant of old Turkish traditions and religion, or a shi'ite influence in them. Or, an element of extreme monism could cause a problem. He was in a position to produce a decision in the name of the Shari'a.

2. İbn Kemal's Approach to Sûfism

In general the Ottoman 'ulamâ had a positive opinion of Sûfism. Sûfism was seen as a more advanced form of religious life¹²⁰. İbn Kemal is not an exception to this. To the

¹¹⁹Fuad Köprülü, *Islam in Anatolia after the Turkish Invasion*, trans.,ed. Gary Leiser, (Salt Lake City: University of Utah Press, 1993)

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¹²⁰Halil İnalcık, *The Ottoman Empire: The Classical Age 1300-1600*, trans. Itzkowitz and Imber, *Late Byzantine and Ottoman Studies*, 1 (New York: Orpheus Publishing, 1989) 199-200.

fatwa 19 which asks whether the path of tasavvuf is right¹²¹ or not İbn Kemal answered positively specifying the condition of not committing an act out of the Shari'a. In fatwa 20 a Sûfi invites an other Sûfi to enter into halwat and his opponent answers "what business do we have there? The insane people go in the halwat". Halwat is a kind of spiritual training in which a Sûfi spends his time by worship, he isolates himself from the people, and lives on the minimum amount of food and drink. For İbn Kemal associating halwat with insanity was a sin which required repentance. This shows his respect for a Sûfi practice.

His respect was also for the outstanding characters of Sûfism. For example, he wrote a long fatwa praising Muhyiddin İbn al-Arabi¹²². According to this fatwa İbn al-Arabi was a perfect muctehid and spiritual teacher (murshid). He had many esteemed students among the 'ulamâ. Who denied İbn al-Arabi's good properties would be in error, and if he insisted on his error then the Sultan should chastize him. Fatwa 22 asks what should be done if a person said "İbn al-Arabi's book *Fususul-Hikemiyye* is written for making the Moslems heretics, and the believer in this book is a heretic". Such a claim required the person in concern to repent. In addition to his respect for İbn al-Arabi, İbn Kemal also mentioned Mawlana in a very respectful manner: "Mawlana is the Sultan of the philosophers, may God sanctify his dear soul."¹²³

Furthermore, to a question whether it is the sunnah of the Prophet to be a disciple to a shaikh and repent (for the past deeds), he replied that it is not sunnah but nevertheless it is a nice (mustahab) thing (fatwa 23). These examples prove that basically İbn Kemal approved Sûfism.

¹²¹"Tarik-i tasavvuf sahih tarik degil midir?...Cevab: Tarik-i tasavvuf sahih tarikdir na-meşrû emre irtikab itmeyicek. Amma idicek fetavâ ve kelimât-i 'ulemâyî dinlemeyip şeyhim böyle dedi diyicek ilhad olur tasavvuf olmaz."

¹²²İbn Kemal, *Fatwa fi Hakki Şeyh Muhyiddin İbn al-Arabi*, Hüseyin Hüsni 121, Süleymaniye, 364a.

¹²³idem, *Nesayih*, Esad 1781, Süleymaniye, 72.

İbn Kemal's main concern for Sûfîsm seems to be establishing the accordance of Sûfîsm to the Shari'a and to the men of the Shari'a ('ulamâ). He explicitly stated this in fatwa 19: if a person committed deeds incompatible with the Shari'a, and did not obey the fatwa and the 'ulamâ, and defended himself by asserting that his shaikh hold a different opinion than the fatwa and the 'ulamâ then this was heresy. Compatibility with the Shari'a is further emphasized in two other works of İbn Kemal. In *Munire*¹²⁴, he stated that some of the contemporary Sûfîs did not know about the religious duties sufficiently¹²⁵. In *Akaid*¹²⁶, he categorized the Sûfîs according to the criterion whether they abided by the Shari'a or not establishing a category of Sûfîs which he called conformers to the Shari'a (Sûfiyye-i muteşerri'ûn)¹²⁷. Accepting Sûfîsm as a right way, İbn Kemal's main concern in Sûfîsm turns out to be conformity with the Shari'a.

3. İbn Kemal's Objection to Sûfîsm

Monism

Certain Sûfî beliefs constituted points of objection against Sûfîsm for a Shari'a defender like İbn Kemal. Vahdet-i vücûd (monism) is perhaps the most significant one among these beliefs. According to Monism whatever is existent is only God, and there is no existance except Him. Everything the humans perceive is in fact God, but He is not limited to the perception because His existance goes beyond the human perception¹²⁸. Fatwa 24 shows İbn Kemal's approach to monism. This fatwa asked what should be

¹²⁴idem, *Müniretu'l-İslam*, Süleymaniye 745, Süleymaniye, 29.

¹²⁵"...İlam anna bazı'l-sûfiyyûn fi hazâ'z-zamân la ya'lamûna adâili farâiz va'l-vâcibât bikamâlahu... (know that some of the sûfîs in this time do not know the guidance of the religious duties perfectly)." *Munire*, 29.

¹²⁶idem, *Risaletu'l-Akaid*, Tımovali 1860, Süleymaniye, 57.

¹²⁷"...tarîke dahi sulûk edenler eğerci riyâzetlerinden ahkam-i şeriâte muvafakat iderlerse bunlara sûfiyye-i müteşerri'ûn dirler... (if the devotees of tarika conform to the rules of shari'a despite their ascetic discipline then (they) call them the sûfîs conforming to the shari'a)." *ibid.*, *Akaid*, 57a.

¹²⁸Gölpınarlı, *100 Soruda Taşavvuf*, (İstanbul: Gerçek Yayınevi, 1985), 40-41.

done when a person said "I am the patron saint, I am the God¹²⁹." The decision was that the person in concern had to reaffirm his faith and marriage (tecdîd-i iman, tecdîd-i nikah). The fatwa 25 was about a person who said "Existence is one; earth, heavens and the remaining are all God, there is nothing else¹³⁰." Again the person who said this had to reaffirm his faith.

Reaffirmation of faith shows that İbn Kemal sees the above people as heretics, and the above degree of monism as heresy. His condemnation of monism while defending an ardent follower of it, Muhyiddin İbn al-Arabi, is apparently a conflicting attitude. Monist reasoning can result in extreme views unacceptable by the Shari'a, such as one's declaring himself God as mentioned above. İbn al-Arabi did not go to that extreme, but nevertheless, he arrived at other extreme views, such as accepting the faith of the Pharaoh in the famous story of Moses and the Pharaoh¹³¹. In the Orthodox version of this story the Pharaoh is considered as a heretic. An other example of İbn al-Arabi's radicalness unacceptable by the Shari'a is his interpretation of the Koranic verse which says that the hearts of the infidels are sealed (implying they can not understand the divine truth). İbn al-Arabi's interpretation of this was as there was nothing in their hearts, except God.

Despite İbn al-Arabi's such extreme interpretations, İbn Kemal pronounced the fatwa praising İbn al-Arabi during the Egypt campaign in 1517/18 in Damascus¹³². In addition to praising İbn al-Arabi in his fatwa, he also added that some of the issues in İbn al-Arabi's *Fusûsu'l-Hikem* and *Futûhâtü'l-Mekkiyye* are in accord with the Shari'a. On the other hand, some of the issues are not meant to be known by the common people

¹²⁹"Pir men, Hudaı men."

¹³⁰"Vucûd vahiddir, yer, gök ve gayrı sı Allahdır, başka şey yoktur..."

¹³¹Gölpınarlı, *100 Soruda*, 88-89.

¹³²EI, 2nd ed., s.v. "Kemal Pashazade."

(ahlu'z-zâhir), but they are comprehensible for the understandings of the people of the secret (ahlu'l-keşf ve'l-bâtin), and those who do not understand the meaning of these issues should keep quiet¹³³. It was already stated above in fatwa 22 that he respected İbn al-Arabi's book Fusûsu'l-Hikem. The reason of this conflicting attitude was due to the fact that Selim I had a great respect for İbn al-Arabi. When the Ottoman army came to Damascus returning from the Egypt campaign Selim ordered the rebuilding of İbn al-Arabi's tomb¹³⁴. If İbn Kemal had given a fatwa condemning İbn al-Arabi then he would be condemning Selim I with deviance from the true path.

Besides, a secondary reason why İbn Kemal gave such a fatwa may be the popularity of İbn al-Arabi among the people, especially in Anatolia¹³⁵. His influence was not limited to the lower classes: 'ulamâ in the medreses¹³⁶, and a number of people from the elite class, too, followed him¹³⁷. Thus, condemning İbn al-Arabi would be condemning both of these important classes which could create a discontent.

Other Sûfî Beliefs that İbn Kemal Objected

There were other Sûfî beliefs that İbn Kemal seriously objected since they were conflicting with the main principles of Orthodox Islam. For example, fatwa 26 is about denying the final punishment by saying "if God wishes the punishment in hell ceases and they (the people in hell)enjoy themselves there". Whoever says this goes out of the religion, therefore, he has to reaffirm faith and marriage. In fatwa 27 one says a heretic before the Shari'a is not heretic before God. Thus, himself becomes heretic and he should be killed even if he abstained later. This is challenging the authority of Shari'a which is unforgivable. In the case of fatwa 28 a shaikh says that every time has an

¹³³İbn Kemal, *İbn al-Arabi*, 364a.

¹³⁴Parmaksızoğlu, *ibid.*

¹³⁵EI, 2nd ed., s.v. "İbn al-Arabi."

¹³⁶İnalçık, *ibid.*, 183.

¹³⁷Köprülü, *ibid.*, 10.

apocalypse when asked about the timing of the apocalypse. İbn Kemal says the shaikh has to repent for that but if he is denying the great apocalypse (kıyamet-i kubrâ) then he becomes a heretic.

Next, in fatwa 29 the concept of kutb is in discussion. Kutb is the chief saint in the world who is the hidden actor of all the happenings in the world. It is a basic concept in radical forms of Sûfism, particularly, among the Malâmîs, Kalenderîs, and Abdals¹³⁸. In fatwa 29 a preacher says that the power of disposal is in the hands of the kutb (the chief saint; the pole), and who denies this fact is heretic. For İbn Kemal by saying this the preacher himself becomes a heretic. İbn Kemal is not a firm believer in the existence of kutb because he says that if one claims that there is no kutb nothing is necessary for him (fatwa 30).

Some Sûfî Practices That İbn Kemal Objected

Besides, certain practices of the Sûfîs which were uncompatible with the Shari'a received the due reaction from İbn Kemal. For example, according to fatwa 31, the Sûfîs gather in the mosques, make a circle, ...(make zikr and dawran) and read verses like: "O Ascetic! I commend to your care the mosque and the wine shop. To pray God, the wine shop is enough for us." These Sûfîs were openly expressing that either a mosque, or a wine shop was equal for them. Moreover, the way of their expression was ritual, and the rite took place not just in one mosque but in (several) mosques. This shows that such non-Orthodox rites were a common practice. The Sûfîs' indifference for a mosque and a wine shop, and expressing this in public deserved a heavy return: heavy deterrence and zecr-i galîz (vehement forcing).

¹³⁸İnalçık, "Dervish and Sultan: An Analysis of the Otman Baba Vilayetnamesi" in The Middle East and the Balkans Under the Ottoman Empire: Essays on Economy and Society, Indiana University Turkish Studies and Turkish Ministry of Culture Series 9, (Indiana University: 1993), 21.

An other example of an intolerable Sûfî practice is the case of a shaikh who told his disciples that they should donate their household to him, otherwise they could not be his disciples (fatwa 32). The disciples donated their households. The shaikh deserved expulsion from the city, and the disciples heavy deterrence.¹³⁹ This fatwa reminds the incident of the Ođlan Shaikh, İsmail Maşûki (914-935/1508-1528)¹⁴⁰. He was a Melâmi Shaikh who came to İstanbul from Anatolia. He preached in favor of monism in Bayazıt and Ayasofya mosques¹⁴¹. Gathering many supporters around himself, the discussion of his ideas by his followers in public created a tendency within the population to oppose the central authority. Finally, he was executed because of certain unacceptable ideas attributed to him.

One of these ideas were the above example; the women, the daughters, and the sons of the followers could be disposed by the shaikh¹⁴². An other idea that was attributed to him was that adultery and sodomy were not forbidden but they were the joys of love. The content of fatwa 33 is parallel with this last idea: a person says if that women was with me I would commit adultery, and if that boy was with me, I would commit sodomy, and then, I would say elhamdulillah (praise be to God). This incident may be a sign of the Ođlan Shaikh's influence.

4. A Radical Sûfî Doctrine; Hurûfism, and İbn Kemal

Hurûfism is a non-Orthodox Sûfî movement that started in the late 14th century.

It puts forward a system of thought that declares in the core of existence lies sound¹⁴³.

¹³⁹It is not clear from the answer whether the deterrence punishment is for the shaikh only, or for the disciples, too. The same applies for capital punishment. The answer of the fatwa is: "Şeyhlerin şehirden sürüb ta'zîr-i belîğ etmek gerekdir. Eğer mübahilerden iduđi zahir olursa katl lazım olur."

¹⁴⁰Ocak, "Kanuni Sultan Süleyman Devrinde Osmanlı Resmi Düşüncesine Karşı Bir Tepki Hareketi: Ođlan Şeyh İsmail-i Maşuki", *Osmanlı Araştırmaları* 10 (1990): 49-58.

¹⁴¹Gölpınarlı, *Melamiler*, 48.

¹⁴²Ocak, *ibid.*, 54.

¹⁴³Gölpınarlı, *Hurûfîlik Metinleri Katalođu* Türk Tarih Kurumu Yayınları XII./6a (Ankara: 1986), 18-19.

The most perfect form of this sound is the word, and word is composed of letters. With the interpretation of these letters it is possible to explain many religious phenomena. Hurûfism is incompatible with the Sunni Islam because it attributes Godhood to the human-beings.

İbn Kemal used the Hurûfî practice of explaining things through interpretation of letters. For example, in his risala about the first sura of Koran¹⁴⁴, by adding certain letters in the sura and finding the result equal to thirty, he verified the fact that a month has thirty days in it. He also said that the word -âmin (amen)- which is pronounced at the end of the sura has four letters. These four letters corresponded to the four holy books, and to the four caliphs.

The notion of four caliphs is a Sunni concept which was opposed by the Shi'ites. İbn Kemal's usage of a non-Orthodox Islamic practice to legitimize a Sunni concept in opposition to Shi'ism is a significant manipulation. An other such manipulation is seen in İbn Kemal's risala about the conquest of Egypt¹⁴⁵. In this risala he interpreted several Koranic verses and found out that Egypt would be conquered in 922/1517¹⁴⁶.

Although İbn Kemal adopted the Hurûfî practice of interpretation of letters, there seems to be no apparent trace of Hurûfî thought in his works that contradicted with Orthodox Sunnism. A possible conclusion is that İbn Kemal saw no problem in using a non-Orthodox Sunni practice as a tool for legitimizing the affairs which pertained to the religion and the state.

¹⁴⁴İbn Kemal, *Fatihati'l-Kitab*, YA 121, Ankara Üniversitesi Dil Tarih Coğrafya Fakültesi Kütüphanesi, 49-50.

¹⁴⁵İbn Kemal, *Feth-i Mısır hakkında imâ*, Esad 3729, Süleymaniye Kütüphanesi, 136-138.

¹⁴⁶see also Mustafa Kılıç, "İbn-i Kemal'in Mısır Fethine Dair Bir Risale-i Acibesi" *Divanet Dergisi* 26 (January-March 1990): 111-120.

5. Sûfism Against State Authority:

Sûfî Shaikhs in the Fatwas

The case of the Ođlan Shaikh displayed how significant could a shaikh be. There are other examples showing this. Fatwa 34 shows that the shaikh was a fundamental character which could be comparable to the Prophet: a Sûfî said that any person who did not follow a shaikh would be following the devil in the here-after. A person replied "our guide is the Prophet and the Shari'a". The Sûfî replied "you are following an easy path". In addition to the idea that everybody should follow a shaikh in order not to be on the side of the devil in the here-after, this Sûfî also conceived the Shari'a as a simpler, probably, lower level religious practice than the Sûfî path. For this Sûfî heavy deterrence and reaffirmation of faith was required.

In fatwa 35 a shaikh told one of his disciples (murid) to ask help from the shaikh himself whenever the disciple felt that the devil was dealing with him. The disciple opposed his shaikh and replied as he would not ask help from anyone except from God. The shaikh insisted on his opinion by claiming that the disciple did not have the merit to ask help from God, and that the aim in asking help from the shaikh was making him a means (to acquire one's aims). Here, İbn Kemal's decided that the shaikh had to repent.

The significance of shaikhs was not limited to being the alternative for following the devil or by being a kind of mediator between the individual and God. They were also sources of legitimization of a certain Sûfî practice which İbn Kemal definitely opposed, dervish ritual dancing (raks). One of the arguments often mentioned by the Sûfîs for defending raks was saying that the previous shaikhs performed this practice (fatwas 36, 37). This implies that the shaikhs were such authorities in the eyes of Sûfîs that they could legitimize a practice which was forbidden by the mufti.

One of the possible suggestions from the above is that İbn Kemal, who conceived the Shari'a as the ultimate criteria and consequently as the ultimate authority, but who accepted also the Sultan's authority along the Shari'a, would not tolerate the independent authority of the shaikhs which could possibly come into conflict with the above two authorities.

Zikr vs. Friday Sermon (Khutba) and Va'z (Sermon)

Fatwa 38 brings into question making zikr during Friday sermon (khutba). İbn Kemal's decision about the people who made zikr during the sermon was that they were sinners. A similar fatwa asked what was necessary to those who did not listen to the khutba but made zikr (fatwa 39): they should be prevented from doing so, if they could not be prevented tedîb-i galîz (heavy deterrence) was necessary. It is interesting to see that İbn Kemal accepted the possibility of not being able to prevent people making zikr during the khutba¹⁴⁷. The inability to prevent it could be due to the possibility of a strong reaction from the people.

Fatwa 40 compares va'z and zikr: if they are both at the same time which one should be listened? In accordance with the previous fatwas, the preference was not for zikr, but this time with a reservation: if a person is from the common people, and is in need of listening to va'z then he should listen to the va'z. In the Ottoman Empire, the state controlled the preachers: they were chosen among the popular shaikhs and allowed to preach by a diploma from the Sultan¹⁴⁸. Not listening to va'z (or khutba) and making zikr instead could mean the loss of an important means of propaganda, and thus, the control of the common people. This might be the reason why İbn Kemal thought that the

¹⁴⁷The answer is this: "Men' olunmak gerekdür, memnû' olamazlar ise te'dîb-i galiz gerekdür (It is necessary that they should be prevented, if they can not be prevented tedîb-i galiz is necessary)."

¹⁴⁸Inalcık, Suleyman the Second and His Time, ed. Halil Inalcık and Cemal Kafadar (İstanbul: ISIS Press), 66.

common people were in need of listening to va'z, and not listening to the va'z was an improper act.

'İlm-i Zâhir vs. 'İlm-i Bâtin

An other clash between the Shari'a and Sûfism occurred in the domain of knowledge where two types of knowledge were at stake: the knowledge of the obvious ('ilm-i zâhir) and the knowledge of the hidden ('ilm-i bâtin). The Sûfis held the view that the knowledge of the hidden was superior. Fatwa 41 is about that issue: the 'ulamâ claim that the shaikhs and the Sûfis of the time omit the science of religious obligations and sunnah and they do not perform them. However, they do not omit the study of the religious prohibitions, and thus, introduce an unacceptable innovation (bid'at). When someone from ahl-i 'ilm reminds them of this, the Sûfis and the shaikhs say knowledge (of the obvious) is a barrier between man and God. One studies the knowledge of the hidden ('ilm-i bâtin), then comes the knowledge of the obvious ('ilm-i zâhir) spontaneously. İbn Kemal says that if they claim that the knowledge of Shari'a is also an obstacle then they become heretics, and if they do not give their idea up they deserve to be executed.

It seems that the Sûfis felt themselves confident with the science of the hidden ('ilm-i bâtin). A shaikh said: "What can I do? God did not give me the science of the obvious. Had He given me, I would show the root of the 'ulamâ to the sun. If the mufti and the kadı have anything to say let's talk about the 'ilm-i bâtin (fatwa 42). Heavy deterrence and reaffirmation of faith was require for this shaikh.

Above in the fatwa about İbn al-Arabi, İbn Kemal had openly accepted the existance of a type of knowledge called 'ilm-i bâtin, and he also stated that if one could not understand the knowledge of the hidden then he should keep quiet. Thus, the

sentences Ibn Kemal gave do not pertain to the concept of knowledge of the hidden. In the former case a punishment arises when the Sûfis conceive the Shari'a as a barrier between God and man. In the latter the reason of the punishment is the offensive manner of the shaikh towards the 'ulamâ.

The Mufti vs. Sûfism

Occasionally, the Sûfis came into clash with the top figure of the religious hierarchy, the mufti (shaikh al-İslam). An example signifying this clash is the case of the Sûfi who said "we turn, may the mufti not turn (if he does not like) (fatwa 43)". The Sûfi's expression gives the feeling that he felt extensive intervention from the part of the mufti. In fatwa 44 a Sûfi similarly says "what does the mufti want from us and prevents us from doing such a nice worship (possibly dawran)". The Sûfi's feeling of an extensive intervention of the mufti is clear again.

These fatwas indicate a clash between the mufti as the defender of the Shari'a and the Sûfis. Fatwa 43 above seems more radical than the latter one (fatwa 44). One of the possible interpretations of fatwa 43 is the following: the Sûfi might be meaning that they would continue with their practice whether the mufti approved it or not. According to Ibn Kemal this Sûfi deserved heavy deterrence and should be expelled from the city. Although the Sûfi in fatwa 44 received a relatively lighter punishment, te'dîb, Ibn Kemal nevertheless condemned opposition to the intervention of the mufti.

There is an other significant aspect of these two fatwas besides showing a clash between the mufti and the Sûfis. Ibn Kemal's inflicting a punishment for opposing the intervention of the mufti implies that Ibn Kemal saw in mufti a capacity to regulate the established social order. According to the Islamic law the decision of a mufti is not binding which further implies that following the decision of a mufti is not an

obligation¹⁴⁹. In the Ottoman Empire the decision of a mufti could be binding only after the Sultanic authority confirmed it as a law (*kânûn*) to be followed. İbn Kemal's inflicting punishments on the people for not recognizing the capacity of producing binding fatwas to the mufti leads one to think that İbn Kemal had obtained this capacity. As this capacity could only be obtained through the confirmation of the Sultan, it is possible to suggest that the Sultanic authority was in alliance with İbn Kemal¹⁵⁰.

An other support for this conclusion can come from the nature of the punishment that İbn Kemal decided for the above fatwa 43. The expulsion of a heretic from the city is a controversial punishment in the Shari'a because it belonged to the group of punishments called *siyâsa* punishments which had a secular nature. Such punishments were legitimized by the secular authority, and they had their roots in the secular law. İbn Kemal's condemnation by a secular punishment gives support to the idea of an alliance between the mufti and the Sultanic authority.

6. The Sûfî Orders in the Fatwas

The Mawlavî and the Halwatî orders come up significantly in the fatwas of İbn Kemal. Fatwa 45 asked whether Mawlavîs' turning one by one and making *zîkr* without voice (*hafî*) is right. İbn Kemal gave the following answer: "it is forbidden in our madhab". Maybe İbn Kemal wanted to imply that this practice of the Mawlavîs was not right according to the Hanafî madhab, but it could be right according to an other madhab. In fatwa 46 İbn Kemal stated that *raks* was not right in any of the madhabs. His emphasis on "... our madhab" here could be implying that he saw a possibility of

¹⁴⁹Uriel Heyd, *Studies in Old Ottoman Criminal Law*, ed. V.L. Ménage (Oxford: Oxford University Press 1973) 187.

¹⁵⁰*ibid.* 189.

legitimizing it according to the other madhabs. In fatwa 47 İbn Kemal stated that samâ' was a controversial issue¹⁵¹. According to fatwa 48, he was positive for samâ' by saying that samâ' was respectful dawran. Also it was stated at the beginning of the chapter that he respected Celaleddin Rumi, the founder of the Mawlavî order. These may indicate that he was basically positive for Mawlavîs and their samâ'.

However, fatwas 49 and 50 state that the mufti-i zaman and the kadı declared the prohibition of samâ'¹⁵². One of the possible explanations of this contradictory attitude may be that İbn Kemal's positive opinion about the Mawlavîs and samâ' did not change, but since he was definitely against raks, and there was only a matter of degree between samâ' and raks, he made a cautious choice, and prohibited samâ', too.

Fatwa 51 is about the Halwatîs: "The dervishes in the Halwatî order pray for my Sultan, they say hu hu (make zikr aloud) by their will. Is standing and turning right or forbidden, (our shaiks came into conflict with each other), as our shaikhs came into opposition to each other, only the exalted 'ilm of my Sultan is (authoritative), what is the truth, be declared! If it is right, does one who says forbidden become heretic, does reaffirmation of faith and marriage become necessary? If it is forbidden, does one who says right become heretic...?". The above expressions, praying for Sultan, the exalted authoritative 'ilm of the Sultan, and consulting him in a controversy among the shaiks, all imply a harmony between the state and the Halwatî tarika.

¹⁵¹ju 902: "...anın hurmiyetinde ihtilaf vardır amma baş, belin bükü el, ayağın salıcak raks olur, bi'l-ittifak harâmdir (There is controversy in its prohibition but when bends head and waist, and lets his foot freely it becomes raks, (it) is prohibited by concord)"

¹⁵²nr 76a: "müfti-i zamânun fatwasına ve kadının emrine kail olmayub sema'i zikrullah idub, kalkışub ve sıçraşub..."; nr 78b: "ihtiyarıyla samâ' iden, dönen kimesnenun imameti caiz değüldür diyu fatwa virildikden sonra..."

CONCLUSION

This chapter on Sûfism began by a brief definition of Sûfism and a summary of the social background of Anatolia in the first half of the second millenium. The conclusion was that there was a distinction between the settled and the nomadic population from the religious point of view which manifested itself as a relatively higher level of Orthodoxy among the urban population.

The second section concluded that İbn Kemal's personal approach to Sûfism was positive: he considered Sûfism as a right path, and respected great Sûfi figures like Muhyiddin İbn al-Arabi and Mawlana. For İbn Kemal the condition that Sûfism had to satisfy was conforming with the Shari'a and the men of Shari'a.

On the other hand, there were certain aspects of Sûfism to which İbn Kemal objected such as monism. However, his fatwa praising İbn al-Arabi, one of the most eminent monist Sûfis, in spite of his condemnation of monist Sûfis seemed to be a conflicting attitude. Selim I's respect for İbn al-Arabi and the popularity of İbn al-Arabi among the people, especially among the 'ulamâ were offered the explanations of this seemingly conflicting attitude. The suggestion was that İbn Kemal did not want to oppose Selim I, and cause discontent among the people by opposing İbn al-Arabi's philosophy.

The fourth section gave some further examples of Sûfi beliefs that İbn Kemal opposed. These beliefs, such as refuting the final punishment, the Shari'a as a criterion for determining heresy, and insisting that the power of disposal (tasarruf) in this world is in the control of kutb, were against the principles of Orthodox Sunni beliefs. The

following section discussed a similar issue, the Sûfî practices opposed by İbn Kemal. The most significant one among these practices was performing dawran. An other example was a shaikh's asking his disciples to donate the shaikh their households.

Although İbn Kemal condemned certain beliefs and practises in Sûfism, himself was not free from the influence of an unorthodox Sûfî current, Hurûfism. The influence of Hurûfism seemed to be limited to the Hurûfî practice of interpreting the meanings of the letters; there did not seem to be any traces of those Hurûfî ideas in İbn Kemal's opinions which were incompatible with the Shari'a . Besides, İbn Kemal manipulated this Hurûfî practice for the benefit of the religion and state.

The next section discussed the significance of the shaikhs in the eyes of the Sûfis. The shaikh could be a figure to be followed in order to escape from being a follower of the devil, a mediator between God and the individual, and a source of legitimization for a non-Shar'î Sûfî practice, raks. İbn Kemal showed the heaviest reaction to this last aspect. This could be due to the fact that İbn Kemal definitely opposed raks, but it could also be due to the fact that İbn Kemal wanted to condemn the view which recognized the authority of the shaikhs to legitimize things similar to the authority of the Shari'a and the Sultan.

The fatwas about the friday sermon and va'z also seemed to be related with the authority issue. The questions in this section asked about making zikr during the sermon and va'z. İbn Kemal thought that if an individual was a layman then he needed to listen to va'z, as the friday sermon and va'z could serve as tools of state propaganda. Therefore, not listening to them, but making zikr instead, could cause problems pertaining to the authority of the state and the religion. The fatwa in which İbn Kemal accepted that

people's making zikr might not be prevented implied that there could have been an authority problem actually.

An other aspect of the Sûfism problem in terms of authority was centered on mufti. In two fatwas the Sûfis complained from the intervention of the mufti in Sûfis' dawran. İbn Kemal's inflicting punishments for complaining from the intervention of the mufti indicates that İbn Kemal saw in the mufti the capacity to intervene, and gave extra punishment for denying this capacity of mufti in addition to the standard punishment for complaining just from the intervention. Consequently, this section suggested that İbn Kemal's recognizing a capacity in mufti which pertained to the executorial sphere could be the result of a support from the Sultanic authority, as the Sultanic authority was the only source that could grant any executorial capacity.

The final section of the this chapter discussed the Sûfî orders that came up significantly in the fatwas, the Mawlavî order, and the Halwatî order. For the Mawlavîs, it was stated that İbn Kemal probably had positive bias for them. A possible explanation of his prohibition of samâ' despite his basicly positive attitude towards the Mawlavîs was that İbn Kemal made a cautious move by prohibiting samâ'. He was definitely against raks, and he prohibited also anything that could come close to it, that is samâ'. For the second group, the Halwatîs, it was suggested that there was a harmony between the state and the Halwatî order.

CHAPTER 5

DERVISH RITUAL DANCING AS A MAJOR DEBATE

1. Raks

Most of the fatwas revealing conflict with the Sûfis are about dervish ritual dancing dancing, raks. The relative abundance of the fatwas about raks leads one to think that it was the major issue of conflict between the Orthodox 'ulamâ and the Sûfis. Raks seems to be a degrading term used by İbn Kemal for dervish dancing. The Sûfi equivalents of this word are dawran and samâ'. Sûfis perform dawran and samâ' while they recite God, that is making zikr in religious terminology.

2. Zikr

Zikr is reciting certain religious words or phrases, often God's names, in a repetitive manner. It can be aloud (cehrî) or without voice (hafî). Certain types of motion usually accompanies zikr. This motion is called either dawran or samâ'; or raks, by the Orthodox defenders of the Shari'a, such as İbn Kemal. Raks is common practice among the Sûfis, only Nakshibendi Sûfis are an exception¹⁵³. Thus, whenever İbn Kemal condemns the Sûfis for dancing, he is aiming at the majority of them.

According to İbn Kemal, zikr should not be aloud (fatwa 52), it should not be in a singing (fatwa 53) and shaking (fatwa 54) manner. There must be perfect respect, an unoccupied mind, and a place where there is no suspicion of hypocrisy (fatwa 55). One should consider himself in the presence of Sultans (fatwa 56).

¹⁵³ Ahmed Hilmi, *İslam Tarihi* (İstanbul: Ötüken Yayınları 1974), 527. Gölpinarlı, *100 Soruda*, 134-135.

3. The Definition of Raks and Samâ'

The problem is with the -shaking manner-: to what extent it is tolerable, and after which degree it becomes raks is the critical point. İbn Kemal considers the following to be raks: it is mainly what the contemporary Sûfis are doing during zikr (fatwa 57): that is (making a circle by) putting one arm to the other's neck and the other arm to the other's waist and revolving in this manner (fatwa 58), shaking (fatwa 59) the waist (fatwa 60), and hitting the foot to the ground and turning (fatwa 61) like that. Just shaking the head is not raks (fatwa 62). Raks is a bad (fatwa 63) and an improper (fatwa 64) action.

Samâ' is different. İbn Kemal defines samâ' as listening and making dawran as the result of the ecstasy felt from what is listened (fatwa 47). He says there is controversy over the prohibition of it: if one bends his head and waist and lets his hand and foot freely then it becomes raks which is prohibited by concord (47). But normally, samâ' is dawran in a respectful manner (48).

The above discussion shows that raks is an exaggerated form of dawran or samâ', and İbn Kemal is against this exaggerated form. Apparently, he is against because vain motion (abes fiil) during zikr is prohibited according to the Shari'a (fatwa 49). Yet, there is a problem with samâ'. According to Gölpınarlı¹⁵⁴, there was not a well-defined form of samâ' among the Mawlavîs in 16th century; people danced as they liked. But for İbn Kemal, samâ' is ideally a proper dawran; if it becomes raks that is a deviation from the ideal. This interpretation of him can be the result of a positive bias towards the Mawlavî Sûfis.

¹⁵⁴Gölpınarlı, *Melamilik*, 246.

4. Condemnation of Favoring Raks

In the eyes of Ibn Kemal, those who think that raks is allowed (halal) are heretics according to the concord of the ulama ('icmâ) who need reaffirmation of the faith (fatwa 65, 66). Fatwa 67 asks whether the people who say that raks and dawran during zikr are allowed (halal) can be considered as members of the ahl-i sunnah ve'l-cama'at. The reply is "according to some fiqh books they are not even Moslems, how come they are ahl-i sunnah"¹⁵⁵. If one believes that raks is mubah (nice), not even halal, then he is also not a Moslem anymore (fatwa 68, 69). One who knows that raks is forbidden, and nevertheless dances, deserves heavy deterrence and expulsion from the city (fatwa 70). When a person sees others turning during zikr (without knowing that it is forbidden) should tell them that it is forbidden, and the hâkimu'l-vakt should prevent them from performing zikr along with raks and dawran (fatwa 71, 72). Moreover, not only the raks supporters are condemned but anyone having sympathy for them is guilty according to İbn Kemal, too¹⁵⁶.

5. Arguments to Legitimize Raks

The Sûfis asserted certain arguments to legitimize/defend themselves against their condemnation. For example, they suggested the Koranic verse: "recite God standing or sitting (fatwa 36)". In İbn Kemal's opinion, that verse does not show the rightness of raks; to interpret it that way is because of being ignorant (cehâlet) and to be at the peak of error (nihâyet-i dalâlet) (fatwa 78). The Sûfis also reminded an anecdote in which the

¹⁵⁵"Bazı kütüb-i fatwa ahkamınca müslüman değil, ehl-i sünnet olmak kande kaldı!"

¹⁵⁶A person who greets a raks supporter (fatwa 73), who invites him to his house (fatwa 74), who prays for him (fatwa 75) is a sinner. Plus, it not permitted to be with such people, and to listen to their va'az because one should avoid misguiding (mudill) people (fatwas 76, 77).

Prophet Muhammad turned so suddenly with the ecstasy of a poetry that he fell on the ground (fatwa 79). For Ibn Kemal this was a slander.

Referring to Imâm Shafi'î was also a means of legitimization for dancing. Fatwa 80 says: "(fatwa 66) which asked how one becomes heretic if he says that raks is helal was replied as it is the concord of the 'ulamâ, and none of the muctehids has the opinion of its rightness. But if Imâm Shafi'î's opinion (al-raks laysa bi-harâm) -dance is not among the forbidden things- is right, then what happens to the concord of the 'ulamâ and what happens to the one who decided (in the previous fatwa) for heresy by the concord of the 'ulamâ?"

Ibn Kemal does not accept such a defense of raks: for him the raks which Imâm Shafi'î decided for its rightness is the raks of the infidels, and whoever resembles the infidels is an infidel. Yet, there are two additional important points in this fatwa: first, a polemic between the sides starts on the basis of an earlier fatwa. Daring to start a polemic points out that the opponent of Ibn Kemal was cultivated enough; his knowledge of Imâm Shâfi'î is an other indicator of that. The occurrence of such a polemic is the sign of the vividness of the debate on raks.

Second, the last part of the question directly aims at Ibn Kemal. It is possible to interpret it like the following: the rightness of raks can be proven depending on the above opinion of Imâm Shafi'î. Once the rightness of raks is established, Ibn Kemal is calling a right thing wrong as long as he insists that raks is forbidden. Calling a right thing wrong is a serious crime according to the Shari'a. Thus, the owner of the question is probably implying that Ibn Kemal is committing the crime of calling a right thing wrong. According to Shari'a such a behavior can even make one heretic. So, the accusation against Ibn Kemal turns out to be a very serious one. However, Ibn Kemal seems to be

indifferent towards this implication: he just answers the first part of the question, and ignores the part touching himself.

Taking refuge with Imâm Shafi'î was a popular trend. Fatwa 81 asks what if a Hanafî says that according to Imâm Shafi'î raks is helal. İbn Kemal requires the claimant to show where Imâm Shafi'î says so. When one says raks is helal in the Shafi'î madhab, İbn Kemal responds by saying that it is not helal in any madhab (fatwa 46). The last fatwa is a significant one: "raks is forbidden, virtuous people like Imâm Shafi'î and Gazzali say that it is allowed, are they heretics, too? (fatwa 82)" The answer is definite: who says this with his free will is heretic; nobody is exempt from the rules of the Shari'a. İbn Kemal is totally confident of himself albeit charging two principal religious characters with heresy. Apart from this, the Sûfis' basing their arguments on Shafi'î and Gazzali again shows that they are not common people, but sophisticated.

A much more common way of defending raks was by referring to the tradition. In fatwas 36 and 37 the Sûfis argue that the past shaikhs performed raks, and therefore, they also do it. The response is that heavy deterrence and expulsion from the city is incumbent upon the kadıs of that city.

The final Sûfi argument for raks claimed that who is qualified for it can perform it¹⁵⁷. There are two fatwas arguing this, and İbn Kemal has two different answers. In the answer of fatwa 83 he says that these Sûfis should be prevented from dancing. In fatwa 84 the decision is harsher: heavy deterrence and expulsion from the city. The harshness is probably due to a small difference in two cases: in the latter fatwa the Sûfis continued dancing after the mufti of the time gave a fatwa prohibiting raks. Inflicting a punishment

¹⁵⁷Fatwas 83 947: "...ehilse helâl, biz ehliyuz..."; 84: "...ehl-i tasavvufa helâldir, biz ehliyiz..."

in return for opposition to the mufti's fatwa implies once again that the fatwa had a binding character.

6. Defending Raks Publicly

Defending raks publicly was a greater crime than just favoring it. In fatwa 77 a preacher declares during sermon that there is no problem in shaking head and waist during zikr. He deserves heavy deterrence, and expulsion from the city, and also according to Ibn Kemal such a person is deccal (anti-Christ). In fatwas 85, 86 the seriousness of defending raks publicly is stated with a similar sensitivity. According to these fatwas the mufti has given a fatwa forbidding raks and the preacher is still preaching for raks after the declaration of this fatwa. According to fatwa 86, it is incumbent upon the Sultan to get rid of that corrupter on the ahl-i sunna va'l-cama'at, and save the Moslems from corruption. In the case of fatwa 85, the Moslems who are present there have to take him out of the mosque, and the hakimul-vakt should expel him from the city.

Yet, fatwa 87 is the peak of harsh action against a preacher. The preacher is directly talking about the prohibitive fatwa of the mufti-i zaman. People ask him about this fatwa; he admits that he does not accept it. Consequently, the people demand from him a reason of disapproval for the fatwa of the mufti. He replies: "you can not understand our reason, talk with the qualified people!" In Ibn Kemal's opinion, the proper act towards this man is that the people should take him down the pulpit with the most violent curses and take him out of the mosque while beating him; this is the greatest cihad (gazâ-yi ekber). The increase in the amount of the violence here is probably due the preacher's bold opposition to the fatwa of the mufti-i zaman. Ibn Kemal's advice to

wage religious war against this preacher implies that he expects a reoccurrence of the same incident which further means that there were preachers who talked against the fatwa of the mufti occasionally.

7. İbn Kemal's Risala about Raks

Several fatwas give the impression that there was a particular well-known fatwa of İbn Kemal which created reactions in the Sûfî circles. Really, fatwa 88 states the existence of such a particular fatwa¹⁵⁸. A good support comes from fatwa 89 comparing the attitude of the former and the present mufti towards this issue. According fatwa 89, the former mufti gave a fatwa in favor of dawran. The latter mufti did not sign that fatwa and gave a fatwa against dawran. Fatwa 89 asks whether it is possible to act according to the fatwa of the former mufti. İbn Kemal's answer is negative. Fatwa 90 also indicates the existence of a particular fatwa in which the mufti is against raks: if one is not declared to be heretic since he calls dawran right (helal), is he (at least) a sinner? According to İbn Kemal if that person insists after the declaration of the amr-i Shar'î (Shar'î order) then he deserves deterrence.

Quite probably the particular fatwa of the mufti is İbn Kemal's risala about the prohibition of raks¹⁵⁹. This is almost certain because Ali Cemâli, who was the mufti before İbn Kemal, wrote a risala claiming that raks is right from the religious point of view, and in the above fatwa 89 it was stated that the former mufti's approval of raks was not accepted by the latter mufti. Fatwa 89 must be referring to the risalas of Ali Cemâli

¹⁵⁸"Bu zamanda da'vâ-yi tasavvuf idenlere raks harâmdır, helâl diyeni fatwa kitablarında tekfir itmişlerdür, ve bunun üzerine mufti-i zamân dahi fatwa virmişdür didikde, bu emr-i şerife muhalefet idüb lecc u inad idüb, asla emr-i şer'e niza virmeyüb, ahırul-emr ihtiyarıyla raks helâldür diyü muhkem itikad eylese ve harâmdur diyene buğz-ı adavet üzerine fevt olsa inde'ş-şer' hükmü nedür? El-cevab: Sair kefere gibi muhalled fi'n-nârdur ol kütüb-i fetva hükmince ki ol taifenun kufri tasrih olunmuşdur."

¹⁵⁹İbn Kemal, *Risale fi Deverani Sûfiyye ve Raksihim*, Murad Buhari 327, Süleymaniye, 211b-213b.

and İbn Kemal. In his risala, İbn Kemal asserted that raks, singing, and playing musical instruments are forbidden by quoting well-known classical Islamic sources.

Their different approaches to the raks issue is very significant. Ali Cemâli is credited with being a stricter observer of the Shari'a: when Selim I wanted to inflict siyâsa punishment Ali Cemâli opposed him on Shar'î grounds. Presumably, his sensitivity for following the Shari'a was not less than İbn Kemal, if not more. Yet, Ali Cemâli found raks right whereas İbn Kemal claimed that it was forbidden. This implies that the difference in their approaches towards raks was not because of their degree of observance of the Shari'a. A possible explanation of this can be the fact that the increasing influence of the Orthodox Sunni ideology and the Orthodox 'ulamâ required the prohibition of raks.

Althpugh this explanation may imply that İbn Kemal saw raks as a heterodox practice that did not have its roots in Islam, in none of the works of İbn Kemal, which were examined for the purposes of this study, such a claim or even an implication of him could be found. Nevertheless, several scholars assert a relation between the Sûfi dances and shaman dances of Asian origin¹⁶⁰. Perhaps, İbn Kemal felt that these dances had their roots in the non-Islamic past, and therefore, saw them incompatible with the Orthodox Sunni Islam.

CONCLUSION

This chapter was about one of the most frequent issues in the fatwas, raks. İbn Kemal used the word raks in a degrading manner for the Sûfi practises dawran and

¹⁶⁰Köprülü, "İslam Sûfi Tarikatlerine Turk-Mongol Şamanlığının Tesiri" *İlahiyat Fakültesi Dergisi* 18 (1970) 141-152.

samâ'. Raks was performed during zikr, and since the zikr required a respectful manner in Ibn Kemal's opinion, he thought that dancing would be an improper action during zikr.

In the second section, Ibn Kemal stated that certain forms of dawran and samâ' were tolerable. However, raks, which turned out to be the exaggerated form of these, could not be tolerated. Ibn Kemal's positive opinion for samâ' implied that he could have a positive bias for the Mawlavî order.

Ibn Kemal's also condemned those people who believed that raks was a right/nice (halal/mustahab) thing from the religious perspective. According to Ibn Kemal these people were heretics who should be expelled from the city in addition to heavy deterrence punishment. The ruler should also prevent these people from dancing.

The next section discussed certain Sûfî arguments that defended the rightness of raks. Two of the strongest ones among these arguments were the Koranic verse "recite God standing or sitting" and Imâm Shâfi'î's phrase "dance is not among the forbidden things." For Ibn Kemal the above phrases were being misinterpreted; they did not refer to dance of the Sûfis. Putting forward the above arguments from Koran and Imâm Shâfi'î showed that the people who defended raks by these arguments were cultivated. The person who used the argument from Imâm Shâfi'î even dared to start a polemic with Ibn Kemal. Moreover, the same person seemed so confident of himself that he meant that Ibn Kemal was in error. As Ibn Kemal showed no of reaction towards this person, it is possible to suggest that Ibn Kemal could control his emotions when giving fatwas. Other ways of legitimizing raks, either by referring to the tradition, or by claiming that raks was allowed for the qualified people, were also refuted by Ibn Kemal.

The following section discussed defending raks publicly. The people who defended raks publicly were the preachers. Preaching in favor of raks was a heavier crime than being an ordinary defender of it: for İbn Kemal a person who defended raks publicly was anti-Christ who should be got rid of by the Sultan and be expelled. This can also be interpreted as an attempt to ensure that the public did not get exposed to harmful non-Orthodox.

An other significant conclusion came from the case of a preacher who rejected the prohibitive fatwa of the mufti about raks. The fact that İbn Kemal required religious war (*gazâ-yı ekber*) be waged against this preacher for rejecting the fatwa of the mufti reminded an idea stated above: İbn Kemal saw in the mufti a capacity to regulate the social realm which probably came into being by the support of the Sultanic authority. Opposing this capacity of the mufti which was supposed to regulate the social realm threatened the social order.

The last section of this chapter discussed İbn Kemal's risala about raks in comparison to the risala of the previous mufti, Ali Cemâli, about the same subject. Although Ali Cemâli had been well-known because of his strict observance of the Shari'a, he permitted raks whereas İbn Kemal prohibited it. This apparently conflicting situation could be explained by the ascending Orthodox Sunni ideology and Orthodox Sunni 'ulamâ in the Ottoman state.

CHAPTER 6

SOCIAL ORGANIZATION AND THE STATE

1. General Organization Of The Ottoman Society According to the Fatwas

According to the fatwas the main social distinction in the Ottoman society was being a Moslem or a non-Moslem. The fatwas refer to the latter category as -kâfir- (infidel); rarely there is further specification of this -kâfir- category. The word Ermenî (Armenian; fatwa 91) and Nasrânî (Christian; fatwa 92) comes up only once. The word Yahudî (Jewish) gets mentioned more frequently¹⁶¹. The word Rum (Greek) does not get mentioned at all. The general term used to refer to above non-Moslems is infidel (kâfir).

The Moslems have a higher status than the so-called infidels. Any challenge to this fact is a serious crime: when a person, even if he is a Moslem, states that a certain infidel is better (preferable) than a Moslem, he should reaffirm his faith apart from receiving deterrence punishment (fatwa 96). In the order of importance the Jews came after the Moslems. According to fatwa 92, suggesting that a Christian is better than a Jew is a sin; one should repent for it. Considering Jews higher than the Christians may be due to the fact that Jewish creed is closer to Islamic creed in terms of monotheism. Probably, Christian creed was seen defective because of trinity. This might explain why the word Jew gets a specific mention rather than getting mentioned under the broader term infidel. This implies the importance of the religious identity in gaining status in the Ottoman Empire.

¹⁶¹fatwas 93, 94, 95.

Resemblance

İbn Kemal is very sensitive about the basic distinction between the Moslems and the non-Moslems. The most obvious manifestation of this arises in the sensitivity shown to the distinct dressing styles of the two communities: a resemblance between an infidel and a Moslem in their clothings is unacceptable. Fatwa 97 states that if a person wears something resembling a hat as in a manner the infidels do, then he should reaffirm his faith. Fatwa 98 asks what should be done about a gipsy, still dressing up in the manner of infidels although being converted to islam. According to İbn Kemal, he should also reaffirm his faith and change his cloths. Adopting the gestures of the non-Moslems is also a religious offence which requires repentance: for example, people who greet each other by taking off their hats like the infidels should repent for it (fatwa 99).

İbn Kemal's sensitivity on the resemblance issue can be explained by a religious idea that resembling someone means being on his side (fatwas 80,100). Therefore, İbn Kemal perceives a Moslem's resembling a non-Moslem as his conversion to the religion of the non-Moslem. Since conversion is unacceptable for the Moslems, the person has to reaffirm his faith. İbn Kemal's fatwas condemning resemblance show his effort to distinguish the Moslems and the non-Moslems.

The Kânûni's Kânûnnâme reflects a similar effort to distinguish the Moslem and the non-Moslems as well. As a very basic example, it ordains the seperation of hair-dresser's tools for Moslems and non-Moslems¹⁶². Furthermore, a classical authority, Abu Yusuf, also states in his Kitâbu'l-Harâc that none of the dhimmis (non-Moslems), should be permitted to resemble the Moslems in terms of clothing, and also in terms of the animals they ride¹⁶³. These indicate the desire to distinguish the Moslem and the non-

¹⁶² Ahmet Akgündüz, *Osmanlı Kanunnameleri ve Hukukî Tahlilleri: Kanuni Devri Kanunnameleri. I. Kısım: Merkezi ve Umumi Kanunnameler*, vol. 4, (İstanbul: Fey Vakfi, 1991), 303.

¹⁶³ Ebu Yusuf, *Kitabu'l-Harac* trans. Ali Özek, İstanbul Üniversitesi Yayınları no. 114, (İstanbul: 1970), 207.

Moslem realms. However, the reason for this does not seem to be purely religious. From *Kitabu'l-Harâc* one gets the feeling that the distinction between the Moslems and the non-Moslems could be useful for taxation purposes: they are subject to different taxes, and if they can be distinguished easily according to their clothes, taxation becomes easier. Thus, as well as religious considerations, financial considerations might have played a role in the effort to keep the Moslem and non-Moslem parties distinct.

Madhab

Within the Ottoman Moslem community the madhab turns out to be a significant concept. In Islamic terminology, madhab denotes a school of religious creed, practice, and law. There are four main madhabs of practice which are also widely recognized in the religious courts: The Hanafî, the Mâlikî, the Shâfi'î and the Hanbalî school. Among these four, the Hanafî school is known for its emphasis on reasoning rather than following the precedent authorities. The Mâlikî gives more importance to the authorities and neglects reasoning. The Shâfi'î school is credited with having found the middle of these two.

Fatwa 101 shows that belonging to a madhab turned out to be an essential quality of a Moslem: a person says that he is going to have a fatwa from the mufti to condemn his opponent since his opponent did not know to which madhab he belonged. The fact that not knowing one's own madhab could lead to a declaration of fatwa condemning a person indicates the essentiality of belonging to a madhab.

Although there is not clear preference for any of the above four madhabs in Sunni Islam, İbn Kemal prefers the Hanafî school. Fatwa 102 asks what happens if a person says that only Hanafî madhab is right (*hakk*) and the rest are false (*batıl*). For İbn Kemal his statement does not require anything to be done. Similarly, in fatwa 103 a person

claims that the Shâfi'î madhab is in error, but there is the possibility of being right.

Again, no action is necessary for such a claim.

Claiming the other three schools are false is a serious accusation because it means denying the authority of their founders; Imâm Mâlik, Imâm Shâfi' and Imâm Hanbal who are respected figures, and moreover, it may come to mean that anybody following these three schools is in error. It seems İbn Kemal does not pursue the argument that far: he only states the superiority of the Hanafî madhab and stops there. His clear preference of the Hanafî madhab is also seen in his risala about this subject¹⁶⁴. In this risala he lists down the outstanding qualities of Abu Hanife, the founder of the madhab, and also the easy aspects of the madhab in comparison to the other madhabs.

According to the fatwas, İbn Kemal's opinion concerning the Mâlikî and the Shâfi'î madhabs is positive. Fatwa 104 says that a Mâlikî can be imâm for a Hanafî. Fatwa 105 declares that if something is not allowed in the Hanafî madhab, but allowed in the Shâfi'î madhab, following the latter is valid, and the vice versa is also possible. These examples show that İbn Kemal accepted the Mâlikî and the Shâfi'î madhabs being right. Although there are no fatwas about the Hanbalî madhab, he was probably positive towards the Hanbalî madhab, too, as it is one of the main four Sunni madhabs.

İbn Kemal's private opinion about the Sunni madhabs other than the Hanafî madhab seems positive, but the fatwas above show that he tolerated certain views which claimed the falseness of these madhabs. This pretends to be a conflicting behavior. Maybe, for the sake of spreading and maintaining the dominance of the Hanafî madhab over the others, İbn Kemal tolerated the degradation of the other madhabs. This

¹⁶⁴İbn Kemal, *Tercihu Mezhebi Hanefi Ala Gayrihi*, Nafiz Paşa 212, Süleymaniye, 10b-13a.

toleration of him is in parallel with the Hanafi emphasis of the Ottoman state suggesting that Ibn Kemal gave support to the state's religious policy.

Âl-i Resûl and Ahl-i ʿilm

The fatwas show two distinguished social groups within the Moslem society: the Âl-i Resûl; the descendants of the Prophet, and the ahl-i ʿilm. The Âl-i Resûl is distinguished in three ways: i. they have higher social status, ii. they are exempt from certain taxes and, iii. they are not re'âyâ. Fatwa 106 indicate their higher social status: two people, one common, the other an Âl-i Resûl, curse each other using the same words. Whereas the common person deserves deterrence, repenting is enough for the Âl-i Resûl. For exemption from certain taxes, fatwa 107 asks whether 'avârız and rusûm-i 'urfîyye can be collected from the Âl-i Resûl according to Shari'a. The answer is negative. Finally, fatwa 108 states that the Âl-i Resûl is not considered to be re'âyâ. Such a care for the descendants of the Prophet can possibly be accepted as a sign of the Sunni emphasis of the Ottoman state.

Ahl-i 'ilm are those who are involved in Islamic sciences. Literally, this term can be interpreted as encompassing all of the Ottoman ilmiyye class. However, by the term ahl-i ʿilm Ibn Kemal is probably referring to a certain part of the ilmiyye class, to those who are involved in learning and teaching. In his fatwas, he seems to have adopted a classification according to the professions: he mentions kadıs, imâms, nâibs, sipâhis, mu'allims, etc. Therefore, when he says ahl-i 'ilm he is probably not referring to all the people in the ilmiyye class, but to a specific section of it. The fatwas about the ahl-i 'ilm are all of the same sort: they are the cases of abusing the ahl-i 'ilm¹⁶⁵. The punishment is at least deterrence, more often it is heavy deterrence, and sometimes also reaffirmation of the faith and the marriage. The dânishmends, students who are candidates to be ahl-i ʿilm,

¹⁶⁵Fatwas 109, 110, 111, 112, 133.

are also in the same position: abusing them is a serious crime punished by deterrence, reaffirmation of the faith and the marriage (fatwas 114, 115).

Their protection against abuse shows that the ahl-i ilm were considered to have a higher status, probably due to the respect for their occupation. Fatwa 111 indicates this: a person curses an ‘âlim (ahl-i ilm). In return, the ‘âlim takes only money from him, but does not take him to the kadı to be punished with heavy deterrence. For İbn Kemal the ‘âlim becomes a sinner for not taking him to the kadı and for not having him punished with heavy deterrence. Abusing an ahl-i ‘ilm is not something personal, the status of an ahl-i ilm requires more serious punishment for his opponent.

Besides, the frequency of such fatwas indicates a conflict between the common people and the ahl-i ilm. The cliché case of these fatwas is an illiterate person (cahil) vs. an ‘âlim. It is almost always the illiterate who abuses (in only one case an ‘âlim abuses an illiterate person; fatwa 116). The fatwas do not give enough information to figure out the nature of the conflict between the common people and the ahl-i ilm.

However, the nature of the conflict between the common people and the dânişmends, the students, is more obvious. In fatwa 114 it is stated that the dânişmends are the source of all mischief¹⁶⁶. According to fatwa 115 the dânişmends are a group that should not be trusted¹⁶⁷. This negative opinion about the dânişmends is the indicator of the corruption of the student population which manifested itself especially towards the end of 16th century. As far as displayed in the fatwas, the dânişmends of the first quarter of the century did not commit serious crimes such as disturbing peace in the cities, drinking, wine or molesting the children as the softas (students especially in

¹⁶⁶ "...ne fesat çıkarsa danişmendlerden çıkar (any kind of mischief come from the danismends)."

¹⁶⁷ "...danişmend taifesine itikad mı olur, hele ben itikad itmezem..."

the rural areas) did towards the end of the century¹⁶⁸. But nevertheless, they had lost the trust and the appreciation of the people. Maybe, the roots of the conflict between the common people and the ahl-i 'ilm lied in the notorious character of the dânishmend class.

2. The Padişah And The State Officers As Mentioned In The Fatwas

İbn Kemal's fatwas refer to the state through the fatwas about the Padişah and the state officers. The fatwas mention the following officers most significantly: the Padişah, the preacher (hatîb), the imâm, the kadı, and nâib (kadı's regent).

Padişah

In fatwa 117 a person says that the padişahs in this world are just; Sultan Süleyman is also just. An 'âlim who is present there reacts to this comment: he claims that by saying this that person has become heretic. Possibly, the 'âlim's showed a reaction against comparing the Ottoman ruler to the other rulers of this world. The 'âlim's reaction is an example of attributing an incomparably exalted status to the Padişah. İbn Kemal replied that nothing was necessary for the above person because even Anushirwan, the Persian king who was well-known for his justice, was just, although he was a heretic. His mentioning a heretic Persian king shows that İbn Kemal was not against a comparison between a Moslem ruler and a non-Moslem ruler.

In fatwa 118 a preacher follows a similar line with the above 'âlim. He also places the Padişah to an over-exalted status. During the sermon he says that obedience to the Padişah is necessary because God created Padişah together with Koran. It seems that Koran, or religion as well, and the Padişah went hand in hand in the mind of that

¹⁶⁸Çağatay Uluçay, *Saruhan'da Eskiyaçlık ve Halk Hareketleri*, C.H.P. Manisa Halk Evi Yayınlarından Sayı:11 (İstanbul: 1944), 24-26.

preacher. According to Tursun Beg, whose opinion about obedience to the Padişah can be taken a representative of the Ottoman intellectual climate, Koran orders perfect obedience to the Padişah¹⁶⁹. As a religious rule, Koran itself also requires perfect obedience. Thus, both the Padişah and Koran share a common property: requirement of perfect obedience. Furthermore, the Padişah is obliged to apply and protect the Shari'a¹⁷⁰. As a result, the religion and the Padişah give each other a mutual support in the requirement of obedience. The above preacher could be in fact referring to this relation of mutual support by a metaphor.

İbn Kemal does not confirm this approach to the Padişah by saying that repentance is necessary for the preacher. However, this seems to be a mild reaction because İbn Kemal could have given a heavier decision by just concentrating to the fact that the preacher compared a human being with the holy book. Probably, İbn Kemal agreed with the idea of exalted status of the Padişah, but not in the extent of the above preacher. Apart from these, this preacher is a good example of how ilmiyye made propaganda for the Padişah.

In the last fatwa about the Padişah (fatwa 119) a non-Moslem said that the Padişah had fallen captive to the enemy with his soldiers, and added "why do you still worship (him)?" For İbn Kemal, in addition to heavy deterrence, the person in concern deserved *siyâseten katl*, too. İbn Kemal must be giving the *siyâseten katl* punishment because the Padişah's existence was seen as the guarantee of the order of the society; without the Padişah the social order was in danger¹⁷¹. Propagating such news threatened the order of the society. Other than these, more relevant for the purposes of the present

¹⁶⁹İslam Ansiklopedisi, s.v. "Padişah" by Halil İnalçık.

¹⁷⁰ibid.

¹⁷¹ibid.

study is İbn Kemal's giving a punishment whose secular character exceeds its Shar'î character. Thus, İbn Kemal is implicitly accepting that certain affairs belong to the secular realm.

Preacher (Hatîb)

For the rest of the officers, questions about the legalization of their office holdings come up most frequently. Especially, the legalization of hatîb seems to be an important issue.

Hatîb is the preacher in the friday prayer. The office of hatîb was important for two reasons. First the prayer which followed the friday sermon was an occasion of expressing allegiance to the ruler; mentioning the Sultan in the prayer meant accepting his authority. Therefore, the sermon had acquired a symbolic importance leading to an increase in the importance of the preachers¹⁷². Second, the friday sermon could also be an occasion of propagating the the state's ideology to the public. Consequently, the appointment of the preachers received a special attention. Most of the questions about the office of hatîb were about appointment to the office.

According to fatwa 120, a person builds a mosque and receives the permission to chose its hatîb from the Padişah. The question is whether that person can still chose a hatîb when an other Padişah is enthroned. İbn Kemal says that this is not possible. In the next case, the hatîb dies and the kadı choses someone as hatîb, but this man does not fulfill the task. In such a situation, nobody can be hatîb without permission unless it is the urgent situation of friday prayer (fatwa 121). Only when the friday prayer is at stake the community can appoint a hatîb.

¹⁷²İnalçık, *Suleiman the Second*, 66.

İbn Kemal wrote a risala about the appointment of preachers in which he complained from the mischief of the contemporary imâms because they left the friday prayer (and hutbe) to other people without an excuse¹⁷³. In the light of the above fatwas, it becomes obvious that only the appointments made by the ruler's and the kadı legalized a person's holding of the office of preacher, even the imâms did not have such an authority. The emphasis on legalization by official permission was probably because of the desire to control what the community heard in the mosques.

İmâm

For the office of imâm, the fatwas talk about how one loses legitimacy for this office rather than gaining it. For example, making the community wait in order to perform the prayer (fatwa 114), or not coming to the service at all (fatwa 123) were enough for losing legitimacy and being discharged. An other cause of discharge could be pertaining to the Shari'a such as denying a hadis of the Prophet (fatwa 124). It could even be because of not behaving accordingly with imâm's distinguished ahl-i 'ilm status. Fatwa 125 illustrates this: if someone called an imâm heretic the imâm had to bring this into the court, otherwise he could not continue to be an imâm. Moreover, an imâm could lose legitimization in the society because of the indecent behaviors of his wife (fatwa 126).

In addition to these, there is a significant reason of discharge that come up in several fatwas: imâms' being a dancing Sûfi¹⁷⁴. The relative abundance of this type of fatwas shows that there were numerous such Sûfi imâms. İbn Kemal, a member of the upper 'ulamâ class, decided for their discharge from the office. İbn Kemal's behavior seems to be logical because the dancing Sûfis represented deviance from the Orthodox

¹⁷³İbn Kemal, *Risale fi İstihlafî'l-kadi ve Hatîbi'l-Cumua*, Hamidiye 186, Süleymaniye, 144b.

¹⁷⁴Fatwas 127, 128, 129, 50.

Islam, and the imâms were influential characters within the population. If the imâms themselves danced this would probably make this deviant practice more popular. It is interesting to note that İbn Kemal did not try to prevent the imâms from dancing, but opted for an even more radical way, and denounced the imâmate of them. This may be interpreted as İbn Kemal, or rather the state, could not have a control on the lower levels of ‘ulamâ. The popularity of dancing among the imâms, and the mufti's opposition to it may also point to an inner conflict in the ‘ulamâ class, between the upper and the lower levels.

A common abuse of the imâms was not fulfilling their duties although they received their wages (fatwas 130, 131). An other abuse was renting the vakf houses allocated to them whereas only themselves should be living in them (fatwas 132, 133). Finally, according to fatwa 134, they collected money from the community in the prayer nights. İbn Kemal approved this conditionally; the community should give the money voluntarily. Here, it is necessary to mention fatwa 135 which almost has the same content: what if hatîb, muezzin and ahl-i ‘ilm are not able to give zakat (that means they are under a certain economical standard), and the community collects money for them. The answer is illuminating: it is allowed if there is no over-insistance (ibram olmayıcak). The last two fatwas show that imâms (and also some other members of the ‘ulamâ) demanded financial support from the community. Renting their vakf houses, and demanding financial support from the community suggest that the imâms, or a certain section of the ahl-i ilm, had economic problems.

Kadı

Among the several fatwas in which the kadıs were punished there are only two cases in which the kadı was discharged from the office. For example, in fatwa 136 the kadı does not give permission for burying a Moslem corpse for several days. The reason

of discharge seems to be disrespect for a Moslem. In the other incident (fatwa 137), the kadı does not follow the fatwa of the mufti-i zaman. As stated above, the fatwa of a mufti was not binding by itself; it needed the confirmation of the Sultan. Deciding the discharge of a state officer for not following mufti's fatwa indicates that İbn Kemal perceived the fatwa as a binding regulation which was probably made possible by an alliance with the Sultanic authority (see also the section *The Mufti vs. Sûfism*).

Fatwa 138 discusses the legitimacy of a kadı in an interesting context: what happens if the kadıs bribe the kadı'askars and the pashas in order to mediate between them and the Sultan for receiving a post¹⁷⁵. For İbn Kemal, the decisions of the kadıs are invalid, unless the bribe is given by the mediator. This fatwa can be taken as an indicator of the pressure in the Ottoman judicial system: there were more kadıs than the kadıships, and in stead of getting a post by waiting their turn, the kadıs inclined to obtain one by bribing the higher officials.

In 16th century some of the abuses the kadıs made were taking bribes, charging too much money for the court operations, inspecting their areas unlawfully, and collecting money unlawfully¹⁷⁶. İbn Kemal's fatwas indicate these tendencies of kadıs to increase their revenues. Fatwa 139 demands the fee to be charged for sicil. The problem which led to this question was probably the kadı's attempt to over-charge. Similarly, in the case of fatwa 140 a kadı and his regent took from a certain amount of money that was left under their supervision.

¹⁷⁵"Kadılar kadiaskerlere ve paşalara rüşvet virüb kendülere kadılık için hüdavendigâra arz itdireseler, amma rüşvet aldıklann hüdavendigâr bilmese, rüşvet hüdavendigâra vasil olmasa kazaları câiz ve hükmleri nâfiz olur mu? Cevab: hükmleri nâfiz olmaz, rüşvetle kadı olduysa, rüşveti şâfi' virdiyse nâfiz olur taklid-i kaza rüşvetle olmuş olmaz."

¹⁷⁶Uluçay, *ibid.*, 134-137.

Kadı's Regent (Nâib)

According to the fatwas, the nâibs, kadı's regent, lost legitimacy only in one way: terminating of the period of regency. Fatwa 141 asks about this: How many years is the regency? The answer is that the Padişah determines it. Fatwa 142 is more specific: after five years, a person's regency in the same place is not valid and his decisions become invalid, too. Fatwa 143 underlines the invalidity of the decisions of the regent after the termination of the period: when there is inhibition the regent's legal decisions, documents and records are not valid. There seems to be a clear emphasis on the time limit for the office of regency.

The termination of the period is the only thing that actually cancels the regent's legitimacy. There are two cases where his legality is expected to disappear, but it actually remains. The first case questions the validity of regency even if the regent has not read any fikh books (fatwa 144). İbn Kemal states that the decision is valid when the decision is made according to a fatwa. This statement of İbn Kemal is interesting because, ideally, a regent should be a learned person¹⁷⁷. However, İbn Kemal opposed the ideal by the above fatwa. The reason of this conflicting attitude can be İbn Kemal's attempt to establish a compromise between the ideal and the reality: if he delegitimized the regency of the above regent then all the legal operations done by him would be vain, and this could cause several legal problems among the people. Substituting the illiteracy of the regent by the requirement to follow a fatwa, which was also an authoritative religious source like a fikh book, İbn Kemal the illiterate regent with a basis of legitimization preventing the appearance of legal problems within the society. In the next case there is a moral consideration questioning the legitimacy: what if the regent's wife, daughter and sister are well-known by prostitution (fatwa 145). For İbn Kemal his decisions were still valid. Above in fatwa 126 there was the example of an imâm who lost legitimacy

¹⁷⁷Aydoğan Demit, "Osmanlı Devletinde Naiplik" *Tarih ve Toplum* 132 (Aralık 1994) 44.

because of the indecent behaviors of his wife. There the people could refute him from being their imâm. However, fatwa 145 shows that such a social refutation was not possible for a regent.

3. Protection Against Abuses

The officers above also received protection against abuses just as the ahl-i 'ilm and the danishmends received. For example, saying that a certain preacher resembled a kafir necessitates deterrence (fatwa 146). In fatwa 112 a person who says "what is that you read and what is your appearance O! dirty dog" to an imâm deserves heavy deterrence and reaffirmation of faith. According to fatwa 147 "if there is something dirtier than imâmate it is again imâmate". This statement also requires heavy deterrence and reaffirmation of faith. Saying "hang your records around your neck" (148) to a kadı's regent is an equally serious crime which is punished by reaffirmation of faith. A statement such as "damn to the best of the kadıs" requires deterrence, too (fatwa 149). Severe punishment of the abuse against the officers can be interpreted as that the fatwa institution served the state by protecting the state officers against offenses.

4. Bribery

Bribery comes into view with the sipahi and the kadıs in the fatwas. A sipahi, with the order of the Padişah, takes bribe from the population of a town under the disguise of zakat (fatwa 150). Such an action is not a crime for İbn Kemal: nothing is necessary. It is interesting to see that this event takes place under the control of the Padişah. Even more interesting is İbn Kemal's indifferent reaction to the incident.

A similar anecdote in the Islamic history is as the following¹⁷⁸: the Prophet sent a person to collect the zakats of a certain tribe. That person kept some of the things he collected for himself claiming that these were presents given to him. The Prophet argued that if that person did not have the mission to collect the zakats, he would not receive any presents. Following this reasoning, the first Islamic rulers prohibited their officers to receive presents. İbn Kemal probably knew this incident. Allowing the sipahi's taking bribe despite knowing the above anecdote is a curious attitude on the part of İbn Kemal. Maybe, he legitimized the incident by thinking that the money the sipahi took was not a present as in the above case of the Prophet, but zakat itself. If this is so, then legitimization of sipahi's action by a religious veil is at stake.

Fatwa 138 mentions kadıs who bribed the kadı'askars and the pashas. The kadıs wanted the kadı'askars and the pashas to mediate between them and the Sultan in order to receive a post. The fatwa asks whether the jurisdiction of the kadıs are right, and their decision valid. At first, İbn Kemal answers negatively. Then he adds that if the bribe is given by a mediator then the jurisdiction of the kadıs are right, and their decisions are valid.

Apart from illustrating the difficulty in acquiring a kadıship, this fatwa also shows how spread bribery was: several kadıs bribe several people. Moreover, according to Mumcu¹⁷⁹ İbn Kemal's emphasis on the existence of a mediator is a conscious attempt to cover the fact that the Padişah was also involved in bribery but this seems to be controversial. However, stating that there is no problem when the mediator gives the bribe might well have served as a way of legitimizing bribery. Above in the sipahi

¹⁷⁸Ahmet Mumcu, *Osmanlı Devletinde Rüşvet* (İstanbul: İnkilap Yayınevi 1985) 209.

¹⁷⁹ibid., 191-192.

incident, Ibn Kemal had adopted a defending attitude towards sipahi receiving bribe. Similarly with the case of kadis, it seems as if Ibn Kemal tried to keep bribery within legal boundaries.

5. Fatwa And Decree

This section treats fatwa and the Sultanic decree as legal instruments. As well as the state officers, the fatwa as a legal instrument was protected against abuses¹⁸⁰. Additionally, not following it also required punishment (fatwa 151). For the decree, there are no cases of abuse, but only of obedience. This is the first difference between the fatwa and the decree institution.

An other difference between them seems to be in the punishments for committing a crime against fatwa and against decree. The punishment for committing a crime against fatwa is heavy deterrence; reaffirmation of faith often accompanies it. However, a crime against decree deserves slightly lighter punishment: just deterrence¹⁸¹. This can be an indicator of the fact that the fatwa (thus the Shari'a), was considered to be more basic than the Sultanic decree (or the kânûn).

The amount of cases about unproper attitude towards the fatwas outnumber those cases towards the decrees: 12 to 2. A possible conclusion is of this is that the fatwas penetrated the social realm more, and therefore, the fatwa centered conflicts arose more frequently than the decree centered conflicts in the society. On the other hand, this may just be because of an extreme sensitivity for defending the fatwa institution.

¹⁸⁰Fatwas 101, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161.

¹⁸¹Fatwas 160, 162.

A significant aspect in the defense of the fatwa institution is that sometimes İbn Kemal was personally involved in the fatwas. There are several fatwas which ask about offensive behavior against the fatwa of the mufti of the time (mufti-i zaman)¹⁸². When there is an offence specifically against the fatwa institution the punishments are heavy deterrence and reaffirmation of faith¹⁸³. In contrast, fatwa 161 specifically aims at the personality of İbn Kemal: a person says that "the fatwa of the mufti-i zaman is fanatical (ta'assub üzere), it (the fatwa of the mufti-i zaman) is not in Koran and in the sayings of the Prophet. It is given according to the unfounded opinion." Here, only İbn Kemal is being attacked, not the fatwa institution, and the punishment is lighter than the usual; just deterrence. As stated above in the conclusion of the SUFISM chapter, it seems that İbn Kemal was not emotional in his decisions, and held the fatwa institution above himself.

CONCLUSION

This chapter began by a discussion of the general organization of the Ottoman society. The fatwas of İbn Kemal suggested that the Ottoman society was organised according to religious lines making the main distinction between the Moslems and the non-Moslems. There seemed to be such an insistence to maintain this distinction that even a resemblance between the two communities in terms of dressing styles could not be tolerated. As for the Moslem community, İbn Kemal's preference of a certain madhab, the Hanafî madhab, was found in accord with the Ottoman state's preference of the Hanafî madhab, and this suggested a co-operation of İbn Kemal with the state in terms of supporting the religious policy of the state.

³²Fatwas 153, 154, 158, 160, 161.

³³Fatwas 153, 154, 158, 160.

The high status of the descendants of the Prophet within the Moslem society indicated a Sunni emphasis. An other high status group was the ahl-i 'ilm which was strictly protected against abuses. The frequency of fatwas about the abuses against the ahl-i 'ilm signified a conflict between the common people and the learned people. This conflict was even more obvious between the dānishmends and the common people taking the form of a distrust felt towards the students.

The second section discussed the Padişah and state officers as mentioned in the fatwas. The Padişah was supposed to have such a high status that he became incomparable to anyother ruler in the world, and almost equalled Koran in terms of status. Although İbn Kemal did not support such extremist opinions, he nevertheless appreciated the essential role of the Padişah in ensuring the maintenance of the social order and gave fatwas in accordance with this idea. This section about the Padişah also showed that İbn Kemal could give the *siyâseten katl* punishment whose secular character overweighed its Shar'î character implying an other area of co-operation between İbn Kemal and the state.

The next section was about the hatîb. The fatwas showed a sensitivity for hatîb's appointment to the office which was probably due to the fact that confirmation of the ruler's authority and state propaganda could be realized through this office. As for the imâms, the common issue was losing the competence to serve as an imâm. This could happen due to several reasons, but the most significant one among these was an imâm's being a Sûfî who favored dervish dancing. As imâms were also influential figures within the population, İbn Kemal's opposition against such imâms can be interpreted as a sign of an attempt to prevent Sûfî imâms to influence people. An other significant aspect of the imâms came out to be their bad economic conditions.

The fatwas about the kadıs showed three significant points. First, the fact that a kadı could be discharged from his office for not obeying the fatwa of the mufti showed that the fatwa had a binding executive power implying the existence of a support from the part of the secular authority. Second, kadıs' giving bribes for obtaining a post showed the pressure in the judicial system. Third, the kadıs also tried to increase their revenues like the imâms. The nâib came into concern by the time limit imposed on his office. The fatwas asked about the termination of the period for which a person was nominated as nâib: termination of the period meant losing the legitimacy as a nâib. The frequency of such fatwas may imply the abuse of nâibs by holding their offices even after the ending of their period. One fatwa about the nâib who had not read any fikh books implied that İbn Kemal might have attempted to maintain a compromise between the ideal rules and the practical reality which can be interpreted as the pragmatist side of İbn Kemal.

All of the officers above received protection against abuses just like the ahl-i 'ilm and the dânishmends received. One possible conclusion of this is that the fatwa institution served the consolidation of state by protecting the the status of the state officers.

The next issue was bribery which seemed to be a usual practice. There is a probability that even the Padişah was involved in it. İbn Kemal did not show a violent reaction to bribery, he even seemed to be accepting, and legitimizing it. This behavior of him can possibly be interpreted as a reconciliation of the ideal with the reality.

The last section of the chapter discussed the fatwa and the Sultanic decree as legal instruments, and showed that these two were also protected against abuses just like the ahl-i ilm, the dânishmends, and the officers. Parallel to the interpretation which

suggested that protection for the state officers served the consolidation of the state, the protection for these legal instruments can be interpreted as serving the consolidation of the legal structure. Finally, it was observed that İbn Kemal was not emotional in his decisions when he gave a fatwa.

CHAPTER 7

STATE LAWS AND THE SHARI'A

1. Kânûn and the Shari'a

The aim of this section is to identify İbn Kemal's place in the development of the Ottoman law. The Ottoman law had two major components: kânûn (secular law) and the Shari'a (canonical law). The relationship between kânûn and the Shari'a is a major debate in which one of the sides emphasizes the secular character of the Ottoman law. The members of this side focus their attention on the administrative aspects, and noting the wide spread usage of kânûn in administration, they underline the secular character. The other side claims that the Ottoman law was Shar'î in character: according to them, the Shari'a made secular law a part of itself by recognizing a free domain for the secular law as long as it did not contradict the Shari'a.

Academicians like Köprülü, Barkan and İnalçık defend the secular character of the Ottoman law, and state that the Turks already had a certain law culture before they converted to Islam¹⁸⁴. According to these academicians pre-Islamic Turkish law culture was one of the sources of secular law for the Ottomans. An other source was the practices and the traditions the Turks met in the territories they conquered. Thus, there was a body of secular law inherited from the past, and enriched by new conquests in the Ottoman Empire. The secular law was as important as the religious law: the state interest was above everything else for the Ottomans, and thus, the secular law pertaining to the administration of the state had great importance.

¹⁸⁴Köprülü, "Orta Zaman Türk Hukuki Meseleleri, İslam Amme Hukukundan Ayrı Bir Türk Amme Hukuku Yok mudur", in *İslam ve Türk Hukuk Tarihi Araştırmaları ve Vakıf Müessesesi*, ed. Orhan Köprülü, (İstanbul: Ötüken 1983): 3-35.

Ömer Lütfi Barkan, "Kanun-name", MEB İslam Ansiklopedisi.

İnalçık, "Osmanlı Hukukuna Giriş Örfî-Sultanî Hukuk ve Fatih'in Kanunları" in *Osmanlı İmparatorluğu Toplum ve Ekonomi Üzerine Arşiv Çalışmaları, İncelemeler*, (İstanbul: Eren, 1993): 321-322.

In contrast, Ahmet Akgündüz thinks that the Shar'î character of the Ottoman law overweighs its secular character¹⁸⁵. He claims the part of law related with administration is only a small portion of the Ottoman law. The private law which constitutes the greatest part is completely regulated according to Shari'a. Besides, the Shari'a recognizes the secular law as a section of itself. Therefore, for Akgündüz the Ottoman law is mainly Shar'î in character.

The discussion about the relationship between these kinds of law have an other aspect apart from a relation of dominance over one another. This aspect is developmental aspect: it is possible to notice a significant development in the relation of the above two types of law. Repp qualifies this development as one of accommodation between kânûn and the Shari'a at the beginning, and as the ascendancy of the Shari'a at the second stage. According to Repp, Suleiman I's reign was the culmination of the accommodation, and the beginning of the ascendancy¹⁸⁶. He finds the closest accommodation during the periods of the following well-known shaikhu'l-Islams, İbn Kemal and Abu Su'ud. İnalçık, focusing on the land law, gathers Repp's both notions of accommodation and the ascendancy of Shari'a under the notion of Islamization (of the land law and land tax)¹⁸⁷. Additionally, several primary sources state that the above two shaikhu'l-Islams managed to harmonize the kânûn and the Shari'a. It seems that there is a consensus in accepting that İbn Kemal and Abu Su'ud were the two most important figures in realizing the harmony between kânûn and the Shari'a¹⁸⁸.

¹⁸⁵Akgündüz, *ibid.*, vol. 1: 45-46,55.

¹⁸⁶Richard Repp, "Qanun and Shari'a in the Ottoman Context" in *Islamic Law, Social and Historical Contexts*, ed. Aziz Al-Azmeh (Great Britain: Routledge 1988).

¹⁸⁷İnalçık, "Islamization of Ottoman Laws on Land and Land Tax" (Chicago)

¹⁸⁸Ata'i, *ibid.* 185.

There is concrete information about Abu Su'ud's contribution to this process. His definitions came to be the standard which were often referred at the beginnings of several kânûnnâmes. However, İbn Kemal's contribution is less clear. For example his place in the kânûnnâme literature is not as extensive as Abu Su'ud's. As a result, the general attitude is just expressing that İbn Kemal has contributions¹⁸⁹. Yet, there is not further specification about how he did it. This section attempts at specifying his place in the Ottoman law, and his role in the harmonization of the kânûn and Shari'a.

2. The Concept Of Kânûn and İbn Kemal

One of the most concrete contributions of İbn Kemal is the Kânûnnâme of Karaman which he wrote in 1518¹⁹⁰. This was an amendment of the earlier Karaman Kânûnnâmesi prepared by Mawlana Vildan. This kânûnnâme shows that as a member of the 'ulamâ class İbn Kemal did not see any problems with the kânûn institution so that he was personally involved in the preparation of one.

This concise kânûnnâme proves that the concept of secular law was legitimate in itself according to İbn Kemal: the article of the Kânûnnâme says "... (they) collect one akça for two sheep. Being in opposition with kânûn, it is submitted and abolished." He makes no reference to the Shari'a; kânûn is sufficient to decide about a tax. Additionally, it is submitted, most probably to Sultan, for its abolition. The second article of the Kânûnnâme orders the abolition of two mukâta'as in Konya by the exalted decree of Sultan Bayezîd.

¹⁸⁹Ata'i, ibid. 185.

¹⁹⁰Akgündüz, ibid., vol. 3: 308-309.

His recognition of the Sultanic authority is not just limited to financial matters. The fatwa 163 asks whether it is allowed to buy and use an infidel slave. İbn Kemal's answer is significant in terms of showing that the Sultanic authority could limit the Shari'a: it is allowed according to the Shari'a but it has been prohibited on the part of the Sultan. In the vakf issue there is the same thing. According to the fatwa 146 a vakf trial can be heard in the court after 20-30 years if it is not prohibited on the part of the Sultan. These examples show that İbn Kemal recognized that the legislative capacity of the Sultanic authority.

3. İbn Kemal and the General Ottoman Kânûnnâmes

İbn Kemal's relation to the general kânûnnâmes of the Ottoman Empire is an other question worth pursuing. İnalçık claims that the general kânûnnâmes can be considered as one Ottoman law book which found its definite shape around 1500's¹⁹¹. Thus, he asserts the existence of a well-defined body of Ottoman law. Then, İbn Kemal's relation to the general Ottoman Kânûnnâmes becomes his relation to the Ottoman law. In these kânûnnâmes there are some articles which resemble certain fatwas of İbn Kemal implying a contribution of him to the Ottoman law.

An example is the kânûn which prohibits buying and selling of the lands of the re'âyâ to each other except with the permission of the sipâhi¹⁹². According to it, the re'âyâ can buy and sell only the hakk-i karâr and the disposition (tasarruf) with the intervention of the sipahi. This kânûn does not exist in the kânûnnâmes of Fatih and Bayezid, but in the kânûnnâmes of Yavuz and Kânûni. In parallel to this kânûn, İbn

¹⁹¹ İnalçık, "Sulciman the Lawgiver and the Ottoman Law" 125-126.

¹⁹² Akgündüz, *ibid.*, vol. 3, 105,115; vol. 4, 181,317.

Kemal has two fatwas in which he says that the sipahi, having the hakk-i karar, can sell the disposition of the land¹⁹³. A possible suggestion from here is that when it became necessary to determine the conditions of the transactions of the re'âyâ's land, İbn Kemal stated the main principle, and the kânûn was made accordingly.

There are other parallels between certain kânûns and the fatwas of İbn Kemal but determining whether they were introduced due to the influence of İbn Kemal's is impossible. The kânûn prohibiting voyeurism and urinating on the road is a such case¹⁹⁴. It does not exist in the first two kânûnnâmes (Fatih's and Bayezîd's), but in Yavuz's and Kânûni's kânûnnâme, and İbn Kemal has a fatwa stating that the people who do the above acts are not competent to be witnesses. There is the possibility that his fatwa served as a basis for the above kânûn. Even if it is impossible to accept these as the examples of İbn Kemal's contribution to the Ottoman law with certitude, a concordance between the kânûns and İbn Kemal's fatwas is manifest.

Further support for this concordance comes from the article 117 of the Kânûni's kânûnnâme¹⁹⁵. It declares that registering for building a house (ev yeri için tapuya alınmak) in the villages is the law. The primitive form of this kânûn is in the kânûnnâmes of Fatih and Bayezîd¹⁹⁶. According to those kânûnnâmes there is a fee for registration in the villages, but they do not mention that taking this fee is required by the law. The requirement of fee is seen in fatwa 166: if people come to the timar land, settle there, and build houses, can the sipahi collect registration tax (resm-i tapu) from them? İbn Kemal replies significantly: he can not by the Shari'a (şer'le almaz). His answer implies that the

¹⁹³Fatva 165: İbn Kemal, Esad 3597, Süleymaniye, 119a and second fatwa in "Osmanlı Kanunnameleri", Milli Tettebbu'lar Mecmuası, vol.1, (İstanbul: Matba'a-i Amire, 1331): 61-62.

¹⁹⁴Akgündüz, ibid., vol. 3, 94; vol. 4, 304.

¹⁹⁵Akgündüz, ibid., vol. 4, 309.

¹⁹⁶Akgündüz, ibid., vol. 1, 20, 350; vol. 2, 48, 65.

sipahi can collect this tax according to kânûn which is certainly the above kânûn. The concordance of the kânûn and İbn Kemal's fatwa is significant. This fatwa also shows that İbn Kemal had a knowledge of the Ottoman law.

4. Siyâsa

An other aspect of İbn Kemal's relation to the Ottoman law is in the field of siyâsa. Siyâsa is the ruler's right to inflict severe punishment where according to the Islamic law lighter or no punishment is necessary, and it is in conformity with the turco-Mongol and Islamic traditions¹⁹⁷. Siyâsa is not an entirely Shar'î punishment; it emanates from the secular authority of the ruler. İbn Kemal has a long risala about siyâsa in which he defends the legitimacy of it by referring to the classical Islamic sources¹⁹⁸.

According to this risala, siyâsa, which is intensification of a punishment, has religious (Shar'î) authority. Through the siyâsa, the right (of the oppressed) is taken from the unjust (people), and thus, one arrives at a Shar'î aim. Therefore, the Shari'a allows the siyâsa to operate, and trusts it in the realization of justice. These passages show that İbn Kemal is clearly for siyâsa. Also his style in the risala seems as if he is trying to legitimize siyâsa through the support of the classical texts. Ali Cemâli, who was the previous shaikhu'l-Islam before İbn Kemal, adopted a different attitude towards siyâsa. He attempted to prevent Selim I from applying siyâsa by referring to Shari'a, and he was able to persuade Selim I. Thus, İbn Kemal's positive attitude towards siyâsa might have served the ascendance of the Sultanic authority.

¹⁹⁷Heyd, *ibid.* 192.

¹⁹⁸İbn Kemal, *Risale fi's-Siyase*, Kasıdecizade 300, Süleymaniye, 4.

İbn Kemal was also aware that *siyâsa* had a Mongolic background, although his *risala* refers entirely to the Islamic sources. In his etymological analysis of the word *siyâsa*¹⁹⁹ İbn Kemal says that "se" means three in persian, and "seya" means order in the Mongol language. Then he makes the following explanation: Cenghiz Khan divided the country among his three sons and a different order came into being in the region of each son. "Sesaye" referred to these three different orders. This word evolved into "*siyâsa*" in the common usage.

Moreover, the Mongolic notion of law, which emphasized the authority of the ruler, was not an unfamiliar concept for the Ottoman writers (ex: Ahmedî, Tursun...) ²⁰⁰. The Ottoman principality was one of the frontier principalities that underwent the Ilkhanid influence in terms of law and administration leading to an emphasis on secular law²⁰¹. Presumably, İbn Kemal was also familiar with these. Presumably, İbn Kemal had in his mind the Mongolic concept of *siyâsa*, too, which means recognition of Sultan's non-religious capacity to develop regulations outside the Shari'a.

Apart from trying to legitimize *siyâsa* despite its Mongol background, he also introduced it as a punishment in fatwa 119. In this fatwa a non-Moslem says that the Ottoman ruler is taken captive by the enemy. İbn Kemal said that this person can be killed according to *siyâsa*. By applying *siyâsa* in the religious fatwa institution he gave *siyâsa* a religious character.

¹⁹⁹İbn Kemal, *Risaletu Ta'ribu'l-kelimat'l-acemiyye*, İsmail Saib I 508, Ankara Üniversitesi Dil Tarih Coğrafya Fakültesi Kütüphanesi.

²⁰⁰EI, 2nd ed., s.v. "Kanun".

²⁰¹İnalçık, "Osmanlı Hukukuna Giriş" p323.

5. İbn Kemal and Land Law

İbn Kemal's most important contribution to the development of the Ottoman law is the harmonization of the Shari'a and the secular law pertaining to the land and taxation systems. İnalçık says that Abu Su'ud explained the traditional land and tax systems in terms of the Shari'a by interpreting the mîrî land as arz-ı harâcî , and this is the "Islamization" of the Ottoman law²⁰². Abu Su'ud claimed that there were three types of lands: arz-ı 'ushriyye, arz-ı harâcîyye and arz-ı memleket²⁰³. Arz-ı 'ushriyye is the land which was shared among the Moslems after its conquest. The Moslems have the pure ownership (mulkiyet) of that land and pay 'ushr out of the product as the tax. Arz-ı harâcîyye is the land which was left in the hands of the non-Moslems after the conquest. They also have the pure ownership of the land, but they pay harâc tax. Until here, Abu Su'ud is following Abu Yusuf, one of the classic Hanafi authorities of Islamic law.

Divergence between Abu Su'ud and Abu Yusuf begins in the taxation of the harâc land: Abu Su'ud's imposes two kinds of harâc, harâc-ı mukâsama and harâc-ı muvaddafa; the former proportional to the product, the latter a fixed sum on the land. On the contrary, Abu Yusuf sees only the harâc-ı mukâsama as the appropriate tax, and suffices with it²⁰⁴.

However, the critical divergence between them is in the definition of the third type of land. For Abu Yusuf it should be unknown whether this land was shared among the Moslems or left to the infidels after the conquest, or the owners and the inheritors of it should not exist anymore. Then, the ruler can give these lands to the people whom he

²⁰²İnalçık, "Islamization of Ottoman Laws on Land and Land Tax" in *Festgabe an Josef Matuz: Osmanistik-Turkologie-Diplomatie*, eds. Christa Fragner, Klaus Schwarz, (Berlin: Klaus Schwarz Verlag, 1992): 106, 111.

²⁰³Akgündüz, *ibid.*, vol. 7, 664-666.

²⁰⁴Ebu Yusuf, *ibid.*, 90-91.

thinks they will serve Islam, and collect 'ushr as tax. He can also collect harâc if these lands are irrigated by a river that is subject to harâc²⁰⁵.

For Abu Su'ud this third type is originally arz-1 harâc whose ownership was not granted to individuals abstaining from the division of the land and the tax into smaller units by inheritance. The ownership belongs to the Moslem community, and this land is only rented to individuals. Since this land is originally harâc land, legal imposition of two kinds of harâc taxes, harâc-1 mukâsama and harâc-1 muvaddafa is legal. Harâc-1 mukâsama corresponds to 'ushr, and harâc-1 muvaddafa corresponds to the çift akçası, which is a traditional tax.

İbn Kemal stands in between Abu Yusuf and Abu Su'ud. He follows Abu Yusuf in the definitions of arz-1 'ushriyya and arz-1 harâcîyya (fatwa 165). Moreover, he agrees with Abu Yusuf in the definition of the arz-1 mîrî; either the initial status of the land is unknown, or the owners and the inheritors do not exist anymore. Yet, they diverge when İbn Kemal says religious and traditional taxes are to be collected from this type of land whereas Abu Yusuf advocates only one tax, 'ushr. He implicitly legitimizes collection of both taxes in fatwa 167. This fatwa asks whether buying and selling arz-1 harâcîyye is right. The answer is if arâzî-i harâcîyye is in the pure ownership of its owner then it is right, the one (for) which (buying and selling) is not right is memleket which is also called the place of sipahi and the place of mîrî.

The first conclusion to be derived from this answer is that arz-1 harâcîyye does not necessarily mean pure ownership of an individual. If there is no pure ownership of an individual, then presumably, the ownership belongs to the state in the name of the

²⁰⁵ibid., 101-107.

community. This definition of arâzî-i harâcîyye is the same with Abu Su'ud's arz-ı memleket definition. The second conclusion is that İbn Kemal also conceives arz-ı memleket as a kind of arz-ı harâcîyye just like Abu Su'ud.

As stated above, qualifying the mîrî land as arz-ı harâcîyye was the critical step which allowed the religious legitimization of the established land and taxation system. Even if İbn Kemal does not explain his conception of the arz-ı mîrî as neatly as Abu Su'ud, he certainly precedes Abu Su'ud in interpreting the mîrî land as a kind of harâc land. Thus, İbn Kemal started the Islamization of the Ottoman land and taxation system prior to Abu Su'ud.

CONCLUSION

This chapter tried to further specify the general claim that İbn Kemal contributed to the development of the Ottoman law in an important way. At the beginning it discussed two views about the Ottoman law, one emphasizing the secular, the other emphasizing the Shar'î character of the Ottoman law. A third view suggested the development of a harmony between the secular and the Shar'î aspects of the Ottoman law which was expressed as accomodation or Islamization.

Within such a framework the next section attempted to figure out İbn Kemal's approach to the concept of kânûn. The Kânûnnâme of Karaman, which was written by İbn Kemal, showed that the concept of kânûn, deriving its force from the Sultan, did not pose any problems for İbn Kemal. In two other fatwas, İbn Kemal stated that kânûn could impose limitations on the Shari'a. This section concluded that İbn Kemal recognized the legislative capacity of the Sultan.

The next section focused on the relation of İbn Kemal to the general Ottoman kânûnnâmes. There is a concordance between certain kânûns which were introduced within the life-time of İbn Kemal and certain fatwas of İbn Kemal. This concordance may suggest that İbn Kemal might have served for the legitimization of these kânûns by his fatwas. Even if this is a controversial suggestion, a fatwa in this section made it clear that İbn Kemal had the knowledge of the general Ottoman kânûnnâmes.

The section about siyâsa compared Ali Cemâli and İbn Kemal in terms of their approaches to siyâsa, and suggested that İbn Kemal's positive attitude towards siyâsa might have served the ascendance of the Sultanic authority. His etymological analysis of the word siyâsa referring to the Mongol history, and the familiarity of the Ottomans with the Mongolic notion of law implied that İbn Kemal could also have the secular Mongolic concept of siyâsa in his mind, although he tried to legitimize it according to the Islamic notions.

The last section was about İbn Kemal's contribution in the field of land law. This section showed that Abu Su'ud's interpretation of arz-ı memleket as harâc land allowed the Ottomans to collect two kinds of taxes, one of which was a non-Shar'î traditional tax, çift resmi. Legitimization of a traditional tax by Shar'î argumentation through the manipulation of the concept of arz-ı harâc was harmonizing the secular practice with the Shari'a. İbn Kemal's role in this process was exactly the same with Abu Su'ud: two fatwas of İbn Kemal showed that he manipulated the concept of arz-ı harâc in the same way. As a result, this section about the land law showed that one of the most concrete contributions of İbn Kemal was harmonizing the secular law and the Shari'a even before Abu Su'ud.

CONCLUSION

In the light of the fatwas of İbn Kemal one of the most significant findings of this study seems to be the fact that maintaining the established social and administrative structure became a major concern for İbn Kemal, who was apparently a religious figure. He served this purpose in several ways such as, by legitimizing the use of force against elements of threat like the Kızılbaş, or the Safavids, by stating the main religious lines according to which the society should be organized, by guarding the status of state officers against offenses, and by supporting the Sultanic authority.

The established social structure was not a homogenous one, although an attempt to homogenize it by advocating the Hanafî madhab among the other madhabs, and by emphasizing Sunnism could be detected. There were elements of heterodoxy such as the Kızılbaş element, the monist philosophy of İbn al-Arabi, and the dancing Sûfîs. However, it seems that these elements of heterodoxy could receive a tolerant reaction depending on several factors such as the degree they posed a menace to social and administrative order, their proximity to the center of the state, and their popularity among the population.

This point, receiving tolerance under certain conditions, can also be interpreted as an effort to conform with the practical reality on the part of İbn Kemal. Although he implied the superior position of the Shari'a encompassing every individual without exception in one of his fatwas (fatwa 82), it seems that his interpretations in the fatwas were done with a concern to conform the social reality and the Shari'a rather than with a concern to fulfill the absolute requirements of the Shari'a. Perhaps the best examples of this was his approach to the issue of the bribery of the kadıs and to the issue of taxation. In the issue of bribery İbn Kemal offered a solution that legalized the office holding of

kadis without preventing the bribery itself. In the taxation issue he made the interpretation which legalized the traditional practice. These two examples show that the practical reality was at least as important as the Shari'a for İbn Kemal. The Shari'a gave the tools for the legitimization of the practical reality which seemed to be quite pressing for these two cases. Even if İbn Kemal seemed to be solving the two problems above within a Shar'î framework, he showed a significant consideration for the practical reality, and as he managed to conform the Shari'a and the practical reality, it is possible to suggest that İbn Kemal occasionally transcended the Shari'a with his pragmatist statesman character.

APPENDIX A

THE BIBLIOGRAPHY OF İBN KEMAL

1. İbn Kemal As a Writer

İbn Kemal, who was conceived as giving life to the sciences after their decline²⁰⁶, wrote in three languages: Turkish, Persian and Arabic. Accordingly, his works became popular in "Arab, Acem and Rum."²⁰⁷ Latifi found him as skillful as the professional poets and prose writers²⁰⁸. According to Âlî İbn Kemal was the first Ottoman historian who wrote well, and expressed himself in a clear way²⁰⁹. For Sehi Bey İbn Kemal's literary production was abundant, but his scholarly writings were limitless²¹⁰. The bibliographical research in this study suggests that the actual number should be more than 220's.

It comes out that İbn Kemal wrote for several reasons. A reason could be the order of the Sultan. For example, in the beginning of the *Risala fi Duhûli Valadi'l-Binti fi'l-Mavkûf 'ala Evlâdi'l-Evlâd*²¹¹ İbn Kemal stated that the Sultan ordered him to show the truth about whether the grandchild of a person's daughter had a right in a vakf which was set up for that person's grandchildren. İbn Kemal's risala named *İkfâr-ı Şî'a*²¹² came into being as a result of the political/ideological reaction to the Safavids. *Risala fi Bayani Ta'addudu'l-Cav'ami' (fi'l-Mısri Vahid)*²¹³ was to solve the practical problem of confinement of the performance of the friday prayer only to the main mosque of a city.

²⁰⁶Taşköprülüzade, 379.

²⁰⁷Mecdi, 383.

²⁰⁸Latifi, 97.

²⁰⁹Jan Schmidt, *Mustafa Âli Kunhu'l-Ahbar and its Preface According to the Leiden Manuscript*, (İstanbul: 1987): 10,36.

²¹⁰Kut, 154.

²¹¹Amcazade 450, Süleymaniye Kütüphanesi, 116b-119b.

²¹²Halet Efendi 815, Süleymaniye Kütüphanesi, 82a-83b.

²¹³Hamidiye 186, Süleymaniye Kütüphanesi, 142b.

On the other hand, İbn Kemal's works like Haşiya 'ala Anvaru't-Tanzil li'l-Bayzavi and Haşiya ala'l-Hidaya were probably written with scholarly concerns²¹⁴.

2. Problems and Method

Giving the full bibliography of İbn Kemal is beyond the scope of this study. One of the reasons is that several libraries in the world which has a significant number of Oriental manuscripts contain various works of İbn Kemal. Bibliotheque Nationale de Paris²¹⁵, Universitatbibliothek in Bratislava²¹⁶, the British Museum²¹⁷, and Mektebetu'l-Vataniyye²¹⁸ in Tunisia are just a few random examples of such libraries. The same situation is valid also for Turkey: many different libraires in different cities contain several works of İbn Kemal. Accessing İbn Kemal's works in all these libraries was practically impossible for me.

An other reason why a full bibliography can not be given here is because İbn Kemal was a prolific writer and people made many copies of his works entitling them with different names. Two problems arises from here. The relatively easier problem is determining whether the works which appear under different titles are really distinct works or one same work. The harder problem is determining whether the works which apparantly stand as distinct works are in fact just sections of a larger work. This is the

²¹⁴These two and several other works of İbn Kemal were commentaries on the classical Islamic literature which came to be standard medrese text-books. For example, Bayzavi's commentary of Koran, Anvaru't-Tanzil, was a standard book in 50 akça and Sahn-ı Seman medreses. Merginani's Hidaya, a famous fikh book, was again a standard book in Sahn-ı Seman medreses. Baltacı, 39-41. Uzunçarşılı, 585. Then the question comes into the mind that might be İbn Kemal influenced the medrese education of his time. Yet, answering this question is beyond the scope of this study.

²¹⁵Georges Vajda, *Index General des Manuscrits Arabes Musulmans de la Bibliothèque National de Paris*, Edition du Centre National de al Recherche Scientifique. (Paris: 1953).

²¹⁶*Arabische, Türkische, und Persische Handschriften der Universitat Bibliothek in Bratislava*, ed. Jozef Blaskovics, Die Universitatbibliothek in Bratislava, 1961.

²¹⁷Charles Rieu, *Catalogue of the Turkish Manuscripts in the British Museum*, Otto Zeller Verlag, 1991.

²¹⁸*Şeyhülislam İbn Kemal Sempozyumu Tebliğler ve Tartışmalar (Tokat 26-29 Haziran 1985)*, eds. Hayri Bolay, Bahaeddin Yediyıldız, M.S. Yazıcıoğlu. Türkiye Diyanet Vakfı Yayınları no. 36. (Ankara: 1986) 296-305.

harder question because this task requires a thorough acquaintance with the classical Islamic literature. I attempted to acquire this acquaintance during this study. However, it was not possible to cover up such a huge literature for me within the limited amount of time, and therefore, there may well be mistakes with the titles I offer as the original titles to the bibliography of İbn Kemal. These are the limitations of the research about the bibliography of İbn Kemal.

There are four main attempts at determining the bibliography of İbn Kemal. One of these is Azam-zade Cemil's 'Ukud al Cavahir²¹⁹. An other attempt is in Brockelmann's G.A.L. The third attempt is by Nihal Atsız in Şarkiyat Mecmuası²²⁰. The fourth and the most recent attempt is by Yekta Saraç²²¹. The basis of the bibliographical reearch in this study is the bibliography prepared by Atsız. The other two works Azam-zade's 'Ukudu'l-Cevher and Brockelmann's G.A.L. are eliminated for the following reasons. For 'Ukudu'l-Cevher, it was not possible for me to reach it. Besides, Saraç says that this work lacks scholarly qualifications and repeats several titles²²². The reason for eliminating Brockelmann's G.A.L. was the fact that Atsız used Brockelmann in his work, and also that Brockelmann lists 179 works of İbn Kemal²²³ in Arabic whereas Atsız supersedes him by 184 works in addition to the 26 works in Turkish and Persian. After Atsız's list, Saraç's contribution to bibliography of İbn Kemal Atsız's work is also given as it is the most recent scholarly study of the bibliography of İbn Kemal to my knowledge. The result of my research is going to follow the improvements of Saraç.

İSAM's (İslami Araştırmalar Merkezi in İstanbul, a foundation of Türkiye Diyanet Vakfı) library program formed the basis of the research. This pogram is a

²¹⁹ Azam-zade Cemil, 'Ukud al-Cavahir fi Teracimi men lehum Hamsune Tasnifen fe-Mietu fe-Eksenu, (Beirut: 1326). Saraç, ibid. 54.

²²⁰ Nihal Atsız, "Kemalpaşa-Oğlu'nun Eserleri" Sarkiyat Mecmuası 6 (1966), 7 (1972)'den ayrı basım.

²²¹ Saraç, ibid. 53-73.

²²² Saraç, ibid. 54.

²²³ Ménage, ibid.

database of manuscripts which are actually spread in the libraries in Turkey. The database contained information about more than 500000 manuscripts in 67 libraries (most in İstanbul) when the search was performed. First, I established the reliability of this program by comparing the results given by it with the major manuscript catalogues such as TUYATOK²²⁴. The query about İbn Kemal showed more than 5000 works belonging to him, most of them being repetitions. The results of the present research came after a thorough elimination and classification of these more than 5000 works. In addition to this, I also tried to search those libraries whose catalogues were not covered by the above library program²²⁵. For example, the fatwa collection in the 9 Eylül Üniversitesi İlahiyat Fakültesi²²⁶ came into my notice by a traditional catalogue search. Nevertheless, the most significant findings came out to be from the above program. Now, we can proceed to the bibliography of İbn Kemal.

3. The Bibliography Of İbn Kemal According To Atsız²²⁷

Works In Turkish

1. Tevârih-i Âl-i Osman:

Pavet De Courteille, Histoire De La Campagne De Mohacz Par Kemal Pachazadeh Paris: 1859²²⁸.

İbn-i Kemal, Tevârih-i Âl-i Osman I. Defter, Ed. Şerafettin Turan²²⁹

İbn Kemal, Tevârih-i Âl-i Osman VII. Defter, Ed. Şerafettin Turan²³⁰, Ankara : 1991.

²²⁴Türkiye Yazmaları Toplu Kataloğu, Ankara.

²²⁵Here, I would like to express my thanks to the TUYATOK department of Milli Kütüphane in Ankara, especially to the chief of the department Servet Bey. In addition to his extra-ordinary helpfulness, he granted me the permission to search the 03 Afyon catalogue which was at the reduction stage then.

²²⁶no. 27482.

²²⁷Nihal Atsız, "Kemalpaşa-Oğlu'nun Eserleri" Şarkiyat Mecmuası 6 (1966), 7 (1972)'den ayrı basım.

²²⁸The section about the Mohacz campaign. Ménage, ibid.

²²⁹İbn-i Kemal, Tevârih-i Âl-i Osman I. Defter, ed. Şerafettin Turan, Türk Tarih Kurumu Yayınları XVIII. Dizi Sayı 2-1

(Ankara:1991).

²³⁰İbn Kemal, Tevârih-i Âl-i Osman VII. Defter, ed. Şerafettin Turan, Türk Tarih Kurumu Yayınları III. Dizi Sayı 5-1 (Ankara: 1991).

Facsimile Of The VII. Book: Şerafettin Turan, Tevârih-i Âl-i Osman Ankara: 1954²³¹. VIII. Book is going to be published by Türk Tarih Kurumu, Ed. Ahmet Uğur; X. Book is going to be published by Türk Tarih Kurumu, Ed. Şerafettin Severcan²³².

2. His Divan And Poems:

Asar-i Eslaf İstanbul: İkdâm, 1313²³³.

3. Translation Of The Bürde Kasidesi

4. Yusuf And Zeliha

5. Fatwas:

Reproductions Of Ten Fatwas Of İbn Kemal in İlmiyye Salnamesi, İstanbul: 1334²³⁴.

6. Nasayih

7. Translation Of Rucu' Al-Şayh İla Sibah Fi'l-Kuvva 'ala'l-Bah Into Turkish:

Translation into English as The Old Man Young Again, Paris: 1898-9²³⁵.

8. Daka'ik Al-Haka'ik

9. Cami' Al-Furs

10. Risala-i Ya'ia

11. Risala-i Kafiye

12. Risala Fi Tezyifi Huccetin Şer'iyye (of Rumeli Kazaskeri Fenari-Oğlu Mehmed)

13. About the timing of the Apocalypse, the appearance of the Anti-Christ, and the rising of the sun from the west.

14. Risala-i Tılsım

15. About Levh-i Mahfuz (Risala Fi Bayâni Evsafi Ümmi'l-Kitab Ve'l-Levhi'l-Mahfuz): İstanbul: Matbaa-i Amire, 1264. Attribution to İbn Kemal is doubtful²³⁶.

16. Necat El-Mütehayirin

İstanbul: Matbaa-i Amire, 1279. Attribution to İbn Kemal is doubtful²³⁷.

17. Letter To Şah Of Persia Tahmasb I.

18. Proverbs In Verse

19. Risala About Creed (Akaid Risalasi):

Attribution To İbn Kemal Is Doubtful.

Works In Persian

20. Nigaristan: Completed In 939/1533²³⁸.

21. Risala Dar Vucûd-i Huda:

Rasail-i İbn Kemal İstanbul: İkdâm Matbaası, 1316 . 149-157 (From Now On Rasail).

²³¹Atsız, ibid. 75.

²³²Türk Tarih Kurumu Yayınları 1995, Türk Tarih Kurumu, Ankara: 1995. 39.

²³³Atsız, ibid. 76.

²³⁴Ménage, ibid.

²³⁵Ménage, ibid.

²³⁶Atsız says that attribution is doubtful because he could not find any manuscripts of this work in p. 81. I also could not find any manuscripts of this work.

²³⁷Again I could not find any manuscripts.

²³⁸Ménage, ibid.

22. Risala Dar Mantik
23. Şarh-i Yak Ruba'i-Yi Abu Sa'id B. Abi'l-Hayr
24. Şarh-i Yak Bayt-i Hafız
25. Risala Dar Hubi u Zıştı
26. Muhit Al-Lugat: Completed In 926/1520²³⁹.

Works In Arabic

27. Tafsir: Written In 933²⁴⁰.
İstanbul Üniversitesi Library A 1589;1b-12a²⁴¹ (From Now On A 1589).
28. Haşıya 'ala Anvar Al-Tanzil Li'l Bayzavi
29. Haşıya 'ala Haşıyat Al-Şarif Al-Curcani 'ala'l-Kaşşaf
30. Şarh Al-'aşr Fi Ma'şar Al-Haşr
31. Risala Fi Tafzil Ayat Al-Kursi
32. Şarh Du'a' Al-Kunut:
Salim Özer, İbn Kemal'in İslam Hukuku Alanındaki Arapça Yazma Risaleleri Tahkik Ve Tahlil, Yüksek Lisans Tezi, Erciyes Üniversitesi, Kayseri 1991. 7. Risala. (From Now On Özer)²⁴².
33. Risala Fi Ma'na'l-Hamd
34. Risala Fi'l-Mugayyabat Al-Hams
Rasail, 186-200.
35. Risala Fi Anna 'l-Kur'an Kalam Allah Al-Kadim
Rasail, 131-136.
36. Risala Fi Cavaz Al-isti'car
Rasail, 227-228.
37. Risala Fi I'caz Al-Kur'an
A 1589;105a-116a²⁴³.
38. Risala Fi'l-Basmala
39. Şarh Arba'una Hadisan: Completed In 933/1527²⁴⁴.
One of the two collections of the forty hadis was translated by Aşık Nitai and printed. İstanbul: 1313²⁴⁵. A 1589;12a-33a²⁴⁶.
40. Arba'una Hadisan: Completed In 933/1527²⁴⁷.
41. Şarh Salasun Hadisan
42. Arba' Va 'İşrun Hadisan
43. Şarh Kavlihi Sa-Uhbirikum Bi-Avval Amri:

²³⁹Atsız, ibid. 83.

²⁴⁰It is incomplete; until the 39. sura. Atsız, ibid. 84.

²⁴¹The manuscripts which appear in this collection are all the authentic hand-writing of İbn Kemal. Atsız, ibid. 87.

²⁴²In his thesis Özer compares different copies of 29 risala's of İbn Kemal, and tries to establish the authentic texts. Although his thesis was not published when I performed this study, I counted it among the printed materials because those 29 risalas are printed in Arabic letters in the thesis.

²⁴³Atsız, ibid. 91.

²⁴⁴ibid.

²⁴⁵ibid. 92.

²⁴⁶ibid.

²⁴⁷ibid. 93.

Rasail 102-107.

44. About The Hadis "Kayfa Kana Badiu'l-Vahy" In Buhari
45. About The Hadis "İza Tahayyurtum Fi'l-Umuri Fastainu Min Ahli'l-Kubur"
46. Risala Fi'l-Fakr:
A 1589;59b-78a²⁴⁸.
47. Muhimmat Al-Mufti
48. Haşiya 'ala'l-Hidaya:
Esad 656 In Süleymaniye kütüphanesi²⁴⁹.
49. İslah Al-Vikaya
50. İzah Al-İslah: Completed In 928/1522. **Note:**Atsız mentions that although İslah Al-Vikaya and İzah Al-İslah are distinct works he collected them under one entry because he thought that they were one same work²⁵⁰.
51. Haşiya 'ala'l-Talvih:
Halet Efendi 163 In Süleymaniye kütüphanesi²⁵¹.
52. Tagyir Al-Tankih: Completed In 931/1525.
İstanbul: 1308²⁵².
53. Şarh Tagyir Al-Tankih
54. Şarh Al-Fara'iz Al-Siraciyya: Completed In 928/1522²⁵³.
55. Risala Fi Bayan Al-Riba':
Özer, 19. Risala.
56. Risala Fi Duhuli Veleđi'l-Bint Fi'l Mavkuf 'ala Evladi'l-Evladi:
A 1589; 172b-178a²⁵⁴. Özer, 14. Risala.
57. Al-Risala Al-Vala'iyā:
Özer, 16. Risala.
58. Risalat Al-Riza:
Özer, 13. Risala.
59. Risala Fi-Hizab:
Özer, 21. Risala.
60. Ta'lim Al-Amr Fi Tahrir Al-Hamr
61. Risala Fi Sekr:
Özer, 20. Risala.
62. Bayan Hadd Al-Hamr:
Rasail 377-380.
63. Risala Fi'l Ihrak Va'l-Hadm:
Özer, 22. Risala.
64. Risala Fi Hadd Al-Fa'l
65. Risala Fi'l-Bay':
Özer, 17. Risala.

²⁴⁸ibid. 95.²⁴⁹This manuscript is the authentic hand-writing of İbn Kemal. ibid. 96.²⁵⁰ibid.²⁵¹This manuscript is the authentic hand-writing of İbn Kemal. ibid. 98.²⁵²Ménage, ibid.²⁵³Ménage, ibid.²⁵⁴Atsız, 102.

66. Risala Fi Şurut Al-Salat:
Özer, 5. Risala.
67. Risala Fi Farz Va Vacibat Al-Salat:
Özer, 4. Risala.
68. Risala Fi Anna Avkat Al-Salat Hamsa:
Özer, 6. Risala.
69. Risala Fi Sacdat Al- Sahv:
Özer, 8. Risala.
70. Risala Fi Bayâni Hukmi Secadadi Ve Ma Fiha Mina'l-Hilaf:
Özer, 9. Risala.
71. Risala Istihlaf Al-Cum'a:
Rasail 113-116. A 1589;170a-172b²⁵⁵.
72. Risala Fi Mash Al-Ra's:
Özer, 1. Risala.
73. Risala Fi Mikdar Mafruz Al-Mash Min Al-Ra's:
Özer, 2. Risala.
74. Risala Fi Cavazi'l-Mash Ala'l-Huffeyn:
Özer, 3. Risala.
75. Risala Fi Ta'yin Al-Kibla
76. Risala Fi'l-Zakat:
Özer, 11. Risala.
77. Risala Fi Anna'l-Zakat Laysa 'ala'l-Sabi Va'l-Macnun:
Özer, 12. Risala.
78. Risalat Fi Hiyar Al-Ru'ya:
Özer, 18. Risala.
79. Risala Fi Tabi'at Al-Afyun
80. Risala Fi Da'irat Al-Hindiya
81. Risala Murattaba 'ala Machul Al-Nasab:
Özer, 15. Risala.
82. Risala Fi'htilaf Al-'asr Va'l-Zaman:
Özer, 26. Risala.
83. Risala Fi'l-ictihad:
Özer, 27. Risala.
84. Al-İhtilaf Bayn Al-Aş'ariya Va'l-Maturidiya:
Rasail 231-233.
85. Risala Fi Takfir Al-Ravafiz
86. Surat Fatva Fi Hakk Al-Şayh İbn Arabi
87. Risala Fi Alfaz Al-Kufr
88. Risala Fi'l-Sabb:
Özer, 23. Risala.
89. Risala Fi Tafzil Mazhab Abi Hanifa:
Özer, 28. Risala.

²⁵⁵ibid. 107.

90. Risala Fi Vakfi'd-Darahim Ve'd-Dananir
91. Risala Fi Ta'rif 'ilm Al-Kalam
92. Risala Fi'l-Vucûd Al-Zihni
93. Haşiya 'ala'l-Mavakif
94. Haşiyat 'ala'l-Tahafut
95. Risala Fi Tahkik Ca'l Al-Mahiya:
A 1589;322b-348b²⁵⁶.
96. Haşiya 'ala Şarh Al-Tacrid
97. Risala Fi'l-Kaza'va'l-Kadar:
Rasail 158-185.
98. Risala Fi Ziyadat Al-Vucûd 'ala'l-Mahiya
99. R. Fı Anna'l-Mumkin La Yakunu Ahad Al-Tarafayn
100. Takaddum Al-'illa 'ala'l-Ma'lul
101. Risala Fi Bayan Al-'akl
102. Risala Fi Tahkik Murad Al-Ka'ilin Bi-Anna'l Vacib Ta'ala Mucib Bi'l-Zat:
A 1589;290a-305a²⁵⁷.
103. Risala Fi Tahkik Vucub Al-Vacib:
A 1589;256b-?258.
104. Risala Fi Hakikat Al-Zat Al-ilahiya
105. Risala Fi Bayan Sirr 'adam Nisbat Al-Şarr İla'llah Ta'ala:
Rasail 125-130.
106. Risala Fi Tahkik Anna Ma Yasduru 'anhu Ta'ala Innama Bi'l-Kudra Va'l-ihtiyar
107. Risala Fi 'ulum Al-Haka'ik Va Hikmat Al-Daka'ik
108. Risala Fi'l-Mas'alat Al-Ka'ila:Hal Yazucu An Yastanida'l-Kadim Al-Mumkin İla'l-Mu'assir Am La:
A 1589;348b-356a²⁵⁹.
109. Risala Fi Tahkik Tavfikiyat Asma' Allah Ta'ala
110. Risala Fi'l-Tamsil Va'l-Nafs Al-Natika:
Rasail 390-392.
111. Risala Fi Tahkik Al-Kalam Al-Nafsi
112. Risala Fi Abavay Al-Nabi 'a.S.:
Rasail 87-91. A 1589;78a-82b²⁶⁰.
113. Risala Fi Fazilat Al-Nabi S.'a. 'ala Sa'ir Al-Anbiya':
A 1589;82b-93b²⁶¹.
114. Risala Fi Tahkik Ma'na'l-Aysa Va'l-Laysa:
A 1589;311b-316a²⁶².
115. Risala Fi Ma Yata'allak Bi-Halk Al-Kur'an:
A 1589;116a-122a²⁶³.

²⁵⁶Atsız, "Kemalpaşa-oğlu'nun Eserleri" Sarkiyat Mecmuası 7 (1972) off-print. 83.

²⁵⁷ibid. 87.

²⁵⁸ibid.

²⁵⁹ibid. 89.

²⁶⁰ibid. 92.

²⁶¹ibid. 93.

²⁶²ibid. 94.

²⁶³ibid. 95.

116. Risala Fi Tahkik Al-Haykal Al-Mahsus Al-insani:
A 1589;213a-216a²⁶⁴.
117. Risala Fi Tahkik Nav'ay Al-Husul 'ala Sabil Al-Tadric
118. Risala Fi Mas'ala Luzum Al-imkan Li'l-Mumkin:
A 1589;356a-373a²⁶⁵.
119. Risala Fi Tahkik Makal Al-Ka'ilin Bi'l-Hal Min Ashabina Va Ashab Al-i'tizal
A 1589;316b-322b²⁶⁶.
120. Risala Fi Tahkik Hakikat Al-Taфра Va Hakikat Al-Cism:
A 1589;305b-311a²⁶⁷.
121. Tacvid Al-Tacrid
122. Risala Fi Bayan Al-Ruh Va'l-Casad
123. Risala Fi'l-Mahiyat
124. Risala Fi Tafzil Al-Başar 'ala'l-Malak:
Rasail 117-124.
125. Risala Fi Tafzil Rusul Al-Başar 'ala Rusul Al-Mala'ika
126. Risala Fi Bayan Hakikat Al-Nafs Va'l-Ruh
127. Risala Fi'l-iman
128. Risala Fi'l-iman Fi 'orf Ahl Al-Şar'
129. Şarh R. Isbat Al-Vacib Al-Kadım
130. Şarh Dibaca Tahzib Al-Mantik Va'l-Kalam
131. About The Declaration Of God's Unity (Kelime-i Tevhid)
132. Risala Fi Tahkik Al-Mu'ciza:
Rasail 137-148.
133. Risala Fi Tahkik Haşr Al-Acsad:
A 1589;122a-137a²⁶⁸.
134. Risala Fi Hakikat Al-Ma'ad
135. Risala Fi Tahkik Al-Kavl Bi "Anna'l-Şuhada' Ahya' Fi'l-Dunya":
Rasail 92-96.
136. Risala Fi "Anna'l-A'mal Hal Tuzan Am La"
137. Risala Fi'l-Canna
138. Risala Fi'l-Acal
139. Risala Fi Tashihi Lafz Al-Zindik Va Tavzihi Ma'nahu Dakik:
Rasail 240-249. A 1589;203b-213a²⁶⁹.
140. Risala Fi Iman Fir'avn:
Attribution To İbn Kemal Is Doubtful²⁷⁰.
141. Tagyir Al-Miftah
142. Risala Fi'l-Balaga
143. Risala Fi Talvin Al-Hitab

²⁶⁴ibid. 96.

²⁶⁵ibid. 97.

²⁶⁶ibid. 98.

²⁶⁷ibid.

²⁶⁸ibid. 103.

²⁶⁹ibid. 105.

²⁷⁰ibid. 106.

144. Risala Fi Bayan Uslub Al-Hakim:
Rasail 220-226.A 1589;190a-195b²⁷¹.
145. Risala Fi Tahkik Al-Muşakala:
Rasail 108-112.
146. Risala Fi Tahkik Al-Havass Va'l-Mazaya:
 A 1589;184b-190a²⁷².
147. Risala Fi Tahkik Ma'na'l-Nazm Va'l-Siyaga:
 A 1589;178b-184b²⁷³.
148. Risala Fi Tahkik Anna Sahib 'ilm Al-Ma'ani Yuşariku'l-
 Lugavi Fi'l-Bahs 'an Mufradat Al-Alfaz Al-Musta'mala
 Fi'l-Kalam Al-'arab
149. Risala Fi'l-Macaz
150. Risala Fi Bayan Al-Hakika Va'l-Macaz
151. Risala Fi Tahkik Al-Kinaya Va'l-isti'ara
152. Risala Fi Aksam Al-isti'ara
153. Risala About Meaning (Maani) And Rhetoric (Bayan)
154. Risala About Rhetoric (Beyan)
155. Risala About Conciseness (Icaz) And Verbosity (Ittab)
156. Risala Fi Tahkik Anna'l-Lafz "Kad Yuza'u Lima'na Mukayyad"
157. 'ukud Al-Fara'id
158. Risala Fi Ta'rif Al-K'âlîma
159. Risala Fi Funun Al-Sab'a
160. Risala Fi't-Tanbih 'ala Vahmi Ba'dihim Mina'l-Ulama:
Rasail 250-257.
161. Şarh Al-Kasidat Al-Hamriya:
 A 1589;236a-256b²⁷⁴.
162. Şarh Marsiya Adam As. Li'bnihi Habil
163. Haşiya 'ala'l-İşarat Va'l-Tanbihat
164. Haşiya 'ala Haşiyat Al-Matali' Al-Anvar
165. Risala Fi Adab Al-Bahs
166. Risala Fi 'ilm Al-Adab
167. Risala About Logic.
168. Risala About Azud Al-Din Al-İci's Risala Fi Adab Al-Bahs
169. Talhis Al-Adab
170. Şarh Adab Al-Bahs
171. Al-Risala Al-Munira:
 İstanbul: 1286²⁷⁵.
172. Risala Fi Tahkik Al-Hakk Va Ibtal Sa'ir Al-Sûfiya Fi'l-Raks Va'l-Davaran:
 Özer, 25. Risala.
173. Risala Fi Madh Al-Sa'y Va'l-Zamm 'ala'l-Batala:

²⁷¹ibid. 108.

²⁷²ibid. 109.

²⁷³ibid. 110.

²⁷⁴ibid. 115.

²⁷⁵Ménage, ibid.

A 1589;137a-142b²⁷⁶. Rasail 384-389. Özer, 24. Risala.

174. R.Fi Madh Al-Sabr

175. Al-Tarifât

176. R. Durar Al-Fara'id:

Rasail 258-334. Özer, 29. Risala.

177. Risala Fi Tabakat Al-A'immat Al-Hanafiya Veya Risala Fi Tabakat Al-Muctehadin

178. Risala Fi Tafsil Al-Firak Al-islamiya

179. Risala Fi Tabakat Al-Fukaha

180. Risala Fi Bayan Al-Firak Al-Zalla

181. Risala Fi'l-Mustahalat Al-Muhaddisin

182. Al-Falah Fi Şarh Al-Marah:

İstanbul: Matbaa-i Amire, 1289. Attribution to İbn Kemal is doubtful²⁷⁷.

183. Risala Fi Tahkik Ta'rib Al-K'âlimat Al-A'camiya:

İstanbul: 1290. A 1589;217a-236a²⁷⁸.

184. R. Min Al-Tabyiziya:

Rasail 234-239.

185. Risala Fi Bayan Ahval Al-Zama'ir

186. Risala Fi'l-Tazmin

187. Risala About Past Tense In Arabic

188. Risala Fi Bayan Al-Cam'

189. Risala Fi Nisbat Al-Cam'

190. Risala Fi Tahkik Al-Taglib

191. Risala Fi Tahkik Vaz' Kada Va'asa:

A 1589;195b-203b.

192. Risala Fi Tahkik Al-Tavassu':

Rasail 201-207.

193. Risala Fi'l-Tavassuat Al-Musta'mala Fi Lisan Al-'arab

194. Risala Fi Tafsil Ma Kila Fi Amr Al-Tafzil

195. Al-Tanbih 'ala Galat Al-Hamil Va'l-Nabih:

İstanbul: 1289²⁷⁹.

196. Risala Fi Tahkik Al-Mu'annas Al-Sama'iya

197. Risala Fi Tazkir Al-Kavm Va Ta'nisihi

198. Risala Fi Hitab Al-Vahid Hitab Al-isnayn

199. Risala Fi Anna Harf Al-Vav La Yufidu Siva'l-iştirak

200. Risala About Izafat

201. Şarh Al-Vazi'yat Al-Azudiya

202. Haşiya 'ala Avval Şarh Al-Kafiya

203. Risala Fi Kava'id Al-Furs

204. Risala Fi Maziyat Al-Lisan Al-Farisi 'ala Sa'ir Al-alsina Ma Hala'al-'arabiya:

Rasail 210-216.

²⁷⁶Atsız, ibid. 119.

²⁷⁷Atsız, ibid. 122-123.

²⁷⁸Atsız, ibid. 123.

²⁷⁹Ménage, ibid.

205. R. Al-As'ila Va'l-Acviba
206. Rahat Al-Arvah Fi Daf'al-'ahat Al-Aşbah
207. Risala About Mirage
208. Risala Fi'l-Nazir Fi'l-Mir'at
209. Commentary On İbn Sina's Answer To Al-Şayh Abu Sa'id B. Abi'l-Hayr
210. Risala Fi Tahkiki Lafz Çalab

4. Saraç's Contribution to the Bibliography of İbn Kemal²⁸⁰

In making additions to such a bibliography, perhaps the most important thing is checking whether a new title really belongs to the author. Saraç adds several titles to the bibliography of İbn Kemal, but he states that he did not check all of these new titles²⁸¹.

Leaving out the unchecked titles, the titles given below are those titles which Saraç suggests with certainty²⁸²:

1. The will of İbn Kemal:
Saraç, *ibid.* 87.
2. A letter to İbrahim Paşa²⁸³
3. A letter to Kânûni Süleyman
4. Ah ah-name
5. Risala about medicine
6. Usul-name
7. Mektub-i İbn Kemal (about the origins of the Safevids)

In addition to these seven works, Saraç says that the works no. 24, Şarh-i yak bayt-i Hafız, and no. 25, Risala dar hubi u zişti, in the bibliography of Atsız are in fact the same work²⁸⁴.

²⁸⁰Saraç, *ibid.* 57-59.

²⁸¹Saraç, *ibid.* 58.

²⁸²Saraç, *ibid.* 57-58. Saraç mentions seven more works in Turkish which he did not check. These are Tercümetu Kitabi Ebi'l-Alai fi't-Tib, Tahkik-i Kelime-i Çalab, A letter of İbn Kemal to Selim I, a risala named esile ve ecvibe, a risala about the conquest of Egypt, Rahatu'l-Ervah, and Muammeyat. Saraç, *ibid.* 58-59. Among these Tahkik-i Kelime-i Çalab exists in Arabic, and its attribution is doubtful (see f-note 298). An other risala named esile ve ecvibe also exists in Arabic, so the distinctiveness of this one is again controversial. Nevertheless, as this title is not included in Atsız's list it is possible to accept it as a potential entry. The risala about the conquest of Egypt appears with the name Feth-i Mısır hakkında ima ve işaret below in the section "The Results of the Present Research". Rahatu'l-Ervah also seems to exist as the translation of an Arabic risala about plague. Thus, the works having the highest chance of originality offered by Saraç are Tercümetu Kitabi Ebi'l-Alai fi't-Tib, A letter of İbn Kemal to Selim I, and Muammeyat.

²⁸³Saraç, *ibid.* 88.

²⁸⁴Saraç, *ibid.* 62.

5. The results of the Present Research

The works which are going to be suggested in this section are classified into three. The first class consist of the works which are in fact known by the scholars, but nevertheless, not included in the bibliographies prepared by Atsız and Saraç. The second class consists of works which seemed to be original. The works in the third class also seemed to be original works, but unlike for the second class, it was not possible for me to check these works.

A. Already known-works which are not included in the bibliographies prepared by Atsız and Saraç:

1. Risala fi't-tarihi'l-mulgazi'l-Arabi²⁸⁵
2. İmplication of the conquest of Egypt (Feth-i Mısır hakkında ima)²⁸⁶
3. Risala fi bayâni ta'addudu'l-cavami²⁸⁷

B. Works that seemed original:

1. Aksami'l - 'ilm va'l-cahl²⁸⁸
2. Kitabu'n-nasih va'l-mansuh²⁸⁹
3. Risala fi tahkiki's-sinat²⁹⁰
4. Nuru'n-nayyireyn fi zikri ihtilafi'l-mazhabeyn (about the points of conflict between the Hanafi and the other Sunni mazhabs)²⁹¹

C. Possibly original works which could not be checked:

1. Risala-i hukuk-ı arba'a²⁹²
2. Risala fi's-said va's-şaki²⁹³
3. Kavaidu ve zavabitu fi'l-ilmi'l-huruf²⁹⁴
4. Risala fi lubsi'l-ahmar va'l-muasfar²⁹⁵
5. Risala fi hususiyati'l-ayyam²⁹⁶
6. Risala fi halki'l-aflak (telhisu ma allafahu İbn al-Arabi)²⁹⁷

²⁸⁵Reşid Efendi 1040, Süleymaniye Kütüphanesi, 124. Amil Çelebioğlu, Kanuni Sultan Süleyman Devri Türk Edebiyatı (İstanbul: MEB, 1994), 73.

²⁸⁶Esad 3729, Süleymaniye Kütüphanesi, 136-138.

²⁸⁷Hamidiye 186, Süleymaniye Kütüphanesi, 142. Özer, ibid. 10. risala.

²⁸⁸Hüseyin Hüsnü 1230, Süleymaniye Kütüphanesi, 42ab.

²⁸⁹Kasidecizade 675, Süleymaniye Kütüphanesi, 6-31.

²⁹⁰Reşid Efendi 987, Süleymaniye Kütüphanesi, 32.

²⁹¹Kasidecizade 236, Süleymaniye Kütüphanesi.

²⁹²Antalya Elmalı Kütüphanesi 57, 53b-56b.

²⁹³Antalya Tekelioğlu Kütüphanesi 766, 176ab.

²⁹⁴Giresun Yazmaları 3652, 39b-41b.

²⁹⁵Giresun Yazmaları 3587, 24b-26a.

²⁹⁶Amasya Bayezid 1730, 17b-23b.

²⁹⁷Fazıl Ahmed Paşa 1014, 206-210.

Besides these additions, no. 209 in Atsız's list, *Risala fi tahkiki lafz çalab*, draws attention. In this risala²⁹⁸ it says "...Kemal Paşazade, rahimahu'llahu 'alayhi kadr ma yaşa, hina su'ila li man yakûlûna fi bani adam çelebi fekaala fi cavabi's-sail baytan..." (...when Kemal Paşazade, may God have mercy on him, was asked about who among the humanbeings are called çelebi, as the answer of the question he (recited) a verse in his answer..." This phrase in the risala leads one to think that the author of the risala was not İbn Kemal, but he was only mentioned in the risala because a person would not use the expression rahimahu'llahu 'alayhi for himself, and because it says that in the risala that İbn Kemal was asked about the word çelebi.

To summarize, Atsız mentions 210 works of İbn Kemal, one being repetition. Thus, there are in fact 209 works in his list. Saraç offers 7 original works, and this research suggests 7 works, 3 already known but not included in the bibliography attempts, and 4 which are considered to be original. As one of the works, no. 209 in Atsız, is quite controversial in its attribution to İbn Kemal, it is possible to extend the bibliography of İbn Kemal to 222 works listed above. However, I would like to mention again that because of the reasons explained above this number is by no means exact; it is likely to increase.

²⁹⁸Esad 846, Süleymaniye Kütüphanesi, 182a.

APPENDIX B

FATWAS USED

There are two numbers next to each fatwa. The plain number is the reference number used in the text.

The second number is more complex: first, there is either "iu" or "nr" in front of it. The abbreviation "iu" means that the fatwa is from the manuscript İstanbul Üniversitesi Merkez Kütüphanesi number: T 6253. The abbreviation "nr" means that the fatwa is from the Nuruosmaniye Kütüphanesi manuscript number: 1566. The number which follows "iu" or "nr" denotes the page number of the fatwa within the manuscripts they were found.

نه اشخو وارد دسه نه لازم اولور اسعمار لازم اولور مسئله قرجه احمد
زاويه سج مسئله معروف بزواويه به خواتين طايفه سي كلوي خسته
اولن او غنلنن كورسار يا غن جراعندن اولون سولر صغله غني
قرجه احمد دن اولدي سيب ديوا اعتقاد اد نلر نه لازم اولور استنار
لام اولور مسئله بر كنه حرام طاشدر سيز دسه نه لازم اولور اسعمار

109

1
iu13b

موبلر كنه امانه لازم اولور مسئله زيدر و فند ميتلا اوله سيم بزنده فند و اول
اولك آفرزنده با توكه كليب سنا و روين يونغفر علاج علا ليور سوزنده وار سبر
قون كونه انن طوبر ايا زمانده يونغفر نه لازم اولور بوان تجر امانه لازم اولور

2
iu16a

اولور بولر ننه لازم اولور مسئله زيدر قزل باش طر يقين انه اكنه
نديبو كوزي كنج و سه نه لازم اولور موبلر مزمير ملاقات نه عين اكنه لازم كمن

3
iu46a

بعين قايده صغرفوق بخار ندر بولر با زور مسئله ايشغه كوز و مكر با زور
واچو دير مكر با زور بولر اچو و مكر با زور و ساما كوز و مكر با زور مكر سيب كوز
بلاي نجه مسئله شوايجه اين قنق قاي ندر بولر با زور مكر مسئله

4
iu47b

بلاي نجه مسئله شوايجه اين قنق قاي ندر بولر با زور مكر مسئله
بلاي نجه مسئله شوايجه اين قنق قاي ندر بولر با زور مكر مسئله

5
nr3a-4b

بیخ فوج مکدر و نہ لازم اور مولیٰ اور ملنے لازم اولیٰ مسئلہ معاویہ و فوج
 ذکر اولیٰ قح زید رضی اللہ عنہ و معاویہ و معاویہ زائلہ و معاویہ زائلہ لازم اور
 اور ملنے لازم اولیٰ

111

12
iu24b

مسند ابوبکر عرعمان و علی رضوان اللہ علیہما
 مسند ابوبکر عرعمان و علی رضوان اللہ علیہما
 مسند ابوبکر عرعمان و علی رضوان اللہ علیہما

13
nr27a-28b

لازم اور یوں کہ یہ امامہ لازم اور علی ایہ رہنمائی کہ مسئلہ
 ہی رہاں شمع ایہ نہ لازم اور یوں اور ملنے و تاویر غلبہ کہ کہ رسالتہ قدر ایہ لازم اور

14
iu24a

وہم ایستند علیہم و کلوا و لیسوا علیہم و کلوا و لیسوا علیہم
 و کلوا و لیسوا علیہم و کلوا و لیسوا علیہم و کلوا و لیسوا علیہم
 و کلوا و لیسوا علیہم و کلوا و لیسوا علیہم و کلوا و لیسوا علیہم
 و کلوا و لیسوا علیہم و کلوا و لیسوا علیہم و کلوا و لیسوا علیہم

15
nr114a

مسند سید بن فضالہ

سلمان بن افضلہ کہتی افضلہ یوں شہادت کو کہ

16
iu29b

المحرر في هذه الصحيفة مقرر على وفق الشريعة
عزة الفقير احمد بن سليمان بن كمال
عفي عنهم الملك المتعال

21

Süleymaniye
Kütüphanesi
Hüseyin Hüsnü
121, 364a

الحمد لمن جعل عباده من المخلصين وورثة الانبياء والمرسلين والصلوات
على محمد المبعوث لاصلاح الضالين المضلين وآله واصحابه المحدثين
لاجراء الشرع المتين المبين وتبديلها بالناس اعلوا ان الشيخ
الاغظم المقدسي الاكابر الفارسي وامام الموحدين محيي الدين بن علي
العربي الطائي الخايمي الاذلي مجتهد كامل ومرشد فاضل له مناقب
عجيبة وخوارق عادية ولائحة كثيرة مقبولة عند العلماء والفضلاء
فمن انكر فقد اخطا وان اصر في انكاره فقد ضل يجب على السلطان
تأديبه وعن هذا الاعتقاد تحويله اذ السلطان با امور بالامر المعروف
والنهج عن المنكر وله مصنفات كثيرة منها فصوص حكيمية وفتوحات حكيمية
بعض من ثمرها معلوم اللفظ والمعنى وموافق للامر الالهي والشرع
النبوي وبعضها من ادراك اهل الفهم دون اهل الكسوف
والباطن فمن لم يطلع على المعنى المرام يجب عليه السكوت في هذا المقام
لقوله تعالى ولا تقف ما ليس لك به علم ان السمع والبصر والفؤاد
كل اولئك كان عند الله مسؤولا عما هم يعملون السبيل
الصواب

اما كل صول يات طور بوه و سه نه لازم اولور اسفعار نادر سند شيخ محمد بن عبد الله
فصوص اولو كتابا نه جهود ناليفدر سلطانالدين نه بقدر ما بغزة تاليف اوليفدر
نذكر كتاب اعتقاد ائمة ك فويدين كين نه لازم اولور استغفار لارندر سناه

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iu14b

زید اناندر مسند بلا الی لویجی مور کماز باب توبہ در مسند
مشائی الی طویق توبہ انکر شتر در مور مستجر

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iu50b

مسئله پیر من فدا من و نه لازم اولی مور کماز ایمان و کفایت لغای لازم
لازم اولی مسند زید یا تورا اولی من تکلیف فیما کس کور نعل و نه لازم اولی

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iu17b

مسئله
زید وجود واحد زید لیس کماز دم بوندن یرک و کونک و انک
غیرتک هر تکم موجود و اریسه الله تعالی تک وجودیدر الله دز
لیسه زید الله دن غیر ی موجود شی یوقد دلیسه شرعاً زید
نه لازم اولی لور الجوانب بجدید ایمان کرک در

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nr74b

مسئله برکت ایت کماز کلمه غیر منقطع اولی همی اجن اولی
اوینا سور و نه لازم اولی کماز ایمان لازم اولی

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iu20a

مسئله بر صوره شریعتی کماز اولی من قطع کماز اولی و نه لازم
اولی مورین طهر و قنیر کماز و نه لازم اولی

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iu56b

مسئله زید بر شیخ قیامت
بجه در یجه قویست شیخ دخی هر زمانک بقیامت اولی و یسه
شرعاً لازم اولی لور الجوانب استغفار کرک بقیامت
کماز ایته انکار اید کماز کافر زید لیب کماز

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nr77a

شرح عن ابي عبد الله عليه السلام قال من استغنى
 كونه من جحش جحش دني مستغنى انكره ايتمسه قطب دوزخ عالمه
 تركت تصرفات عالم انك الالذة دوزخهم اياها اصاحبي خضر عليه السلام
 ايله دوزخه اولوزكه خضر عليه السلام اقدن استيفاده ايله ايدري
 زنه اقطبه انكارا نيشه سيزمرك قطبه انكارا ايدرسه
 كافر اولوزديسه يومقوله كلمات ايدن واعطه شرعانه لازم
 الحوائج تجد يد ايمان لازم اولوزدهن كال

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nr81a-82b

مستغنى من جحش جحش عالمه قطب يوقد ديسه قطبه
 انكارا ايلسه شرعانه لازم اولوزدهن الحوائج لسته
 لازم اولوزدهن احمد بن كال

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nr75a

مستغنى
 صوفيون طائفه سي جامعكته جمع اولوب خلقه قوروب اولوب
 بربرنه صارا اولوب دوزاخ ايله ايدون اياقلا ريني بربردوب
 جعفر شوب آراسنده بو اصل بيت اوقيوب اي راهدا اصرار
 سكا سجد اعجابي حقه نياز اتمكه يتر بزومخانه لست
 بونك امشالي بجه ابيات اوقسك شيهانه لازم اولوز
 الحوائج تعذير بليغ وزجر غليظ كرك دوز
 لهدين كال

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لازم اولوز اونيك اوزغجه اجتر از ايدرسه مسنه
مريد لره ايتسه املكوز و عيال كوز بيك ايتشلك ديتسه
بيك اريد اوله مريدسه ايتكده بعيشك سكر شينجه اوله
شرعانه لازم اولوز الجوانس شعراين شمردن سوروب
تغذير بلوغ ايتك كدر اكر ميا خيلدون ايدوكي ظالم اولوز بيك
تقتل لازم اولوز مسنه ب لهر مستلمان ايتسه كوك ايتسه

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nr29a

ايتشغفار لازم اولوز عيني الله تعالى باور مسنه
زي دغلان عورت الومه كيرسه زنا ايتسسه يا خود فلان اوغلان
الومه كيرسه لواطه ايدوب خالقه شكار ايدوب الحمد لله ديسم
ديسه شرعانه لازم اولوز الجواب ايتشغفار لازم
اولوز مسنه ريد لاله مولا مالا الله ديسه شرعانه لازم

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nr16b

مسنه له بوضوح شيع ان طوعنا انك قبا امتك
شيعي عيشه ايتدرد ديسه بركسته نه بيزم بيشمزد رسول اذرويك
شريعته دزد ديسه مذكور صوفي ديني قولايجه بول طوئش سين
ديسه شرعانه موفيه نه لازم اولوز الجوانس تغذير بلوغ
ايتك ايتدرد ايتان ايتدرد ايتدرد ايتدرد ايتدرد ايتدرد

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nr95b

بِرَبِّكَ يَوْمَ تَأْتِي سُنُبُكَ تُرَابًا مَّكَدًّا وَتُنَزَّلُ بِالضَّرْبِ الْغَلِيِّ
 وَأَذَىٰ لِّكُلِّ شَيْءٍ عَاقِبَةٌ إِنَّ رَبَّكَ لَهَادِي النَّاسِ لَسُبُلًا
 فَمَنْ رَدَّهُ اللَّهُ فِي سَبِيلِ الْوَدَّانِ
 أَطْلَعَهُ إِذْ طَلَبَ آيَاتِ بَطْنِ رُومٍ مِّنْكَ وَمَذْكُورٍ مِّنْكَ لِيُجِيبَ عَنْكَ اللَّهُ تَعَالَىٰ
 عَمَّا يُشْرِكُونَ إِذْ طَلَبَ الْفِتْنَةَ لِيُقَرِّبَهُمْ إِلَىٰ رَبِّهِمْ فَنَظَرَ فِي الْأَشْيَاءِ
 الْغَالِيَةِ
 وَإِذْ طَلَبَ آيَاتِ بَطْنِ رُومٍ مِّنْكَ وَمَذْكُورٍ مِّنْكَ لِيُجِيبَ عَنْكَ اللَّهُ تَعَالَىٰ
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 عَمَّا يُشْرِكُونَ

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nr95a

و نه اشده و رسد صوفیو طایفه سندیان کنایه سالک
 این کلمه کاتب بزه و این زر و بود و رانده کوانته ملا و رویون محمود المویک
 انه لراوده ولا یسر فاضالی انالی کجا انکر که و بر بویر نوز بلیغ ایبر و شمرده
 سورمل کرکه و رطایفه، مناه و روی و ایبر و

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iu55a

افزون عبداللیم مسند ایام اوزر ز قاقور و راتله کرا ل ملاله
طلاله اولسته کافه کرا و آل قیاما و قعودا ایتیه و لیلدر شیخ ساله و فی
ایح کله ریه بول اعتقال ایدیر بول اعتقال اوزر ز قوز اولی کمال که اسلامه
تک اولور نمازین قلیح واردر فویس یون و ررقصه ملالدر و بنا که الیه

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iu57a

میوانان صورت یازوب ساته نه لازم اولور اسفار لاردر مسله بجه
تازین نطیب بیدر فایکین بیه کمال تا بیه و یوب اعز نه لازم اولور اسفنا
لاردر مسله برجاهل یو و انشمنه کینفا و انشمنه و نه لازم اولور

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iu14b

حاکم الوقت اولان مشنوع اولماز لر یسته لجه بن کمال مسنله
خطیب خطبه او قور کن خطبه استماع اتمیوت های مویج
دینکرو شرعانه لایم کلوز لالی انب مسنوع اولنوق
کر کدر مشنوع اولماز لر یسته تا و دیم غلیظ کر کدر لغزین کمال

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nr78a

کوه و مسله برجه و اعظ و غطه انصهر انه بر کوه سن
جماعه السین بولوبیز ذکرا ل ات لوشعافتن و کمال اولور بولبر

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iu48a-49b

واعظ و کمال کر که ور عواد اولور جماعه و اعظ الیه

بِبُورِ مَانِدَه اُولَان شَيْخَانِك وَمُؤَافِيك عَلْمَكِر نَدَن
 وَكَمَلَر نَدَن بَعْضِي بُونُورُوكِ ذِكْر اُولُونُورُوكِر اِيضَك وَسَتْنُوكِ
 وَوَاجِبَاتِك عَلَيَّ وَتَعَالِي تَرْك اِيذُوب اَنبَرِي اِقَامَت اِيكِر كُر
 وَمَكْرَهَاتِك وَمَكْرَهَاتِك مَحْصِل وَتَقْلِي تَرْك اِيْمُونُوكِ مُجِد
 وَسَاعِي اُولُونُورُوكِر اَمَلِ عِلْمَكِر نَدَن بَرِكْسِي سَه اَنكِرَه دِي سَه كِه سِي سِر
 كَنَدُوكُوزِي صِلَاكِه وَشَيْخُو خْتَه نِسْبَت اِيذُورُوكِر اَمِدِي
 سِي مَقْرُوض تَرْك اِيذُورُوكِر سِي مَعْنِي قَرَايِض وَوَاجِبَات اَنكِرَه وَسَتْن
 وَمَكْرَهَات وَتَعَالِي اَنكِرَه مَعْلُوم اُولُونُورُوكِر اُولُ قَرُوض رَسُولُوكِ
 حَسْبِي اَقُو عَلَيَّ وَسَكْم طَلَب الْعِلْم قَرِيضَه عَلَيَّ كِل مُسَلِم
 وَتَسْتَعِيْل وَدِي دُوكِي عِلْمُوكِ اِيكِه اُولُسَه سِي سِي مَعْنِي صِلَاكِه سِي دِي سَه
 مَدُوكُوز اُولَان شَيْخَانِك وَمُؤَافِيكِر اَنكِرَه مَقَابِلَه سِي سِنْدَه جَوَاب
 وَرُؤُوب دِي سَكِرَه اَنَدَه عِلْم حِجَاب دُرُوعِلْم بِالْهِنَه مَشْفُوكِ
 اُولِبِحَاق صُكْرَه عِلْم ظَاهِر كَشْف اُولُورُوكِر دِي سَكِرَه بُو خُصُوصَه
 عِلْم شَرِيحِي بِنْدُورُوكِر اَلْحَق اَلْحَق عِلْم شَرِيحِي حِجَاب
 عَدَايَتِك مَنَافِعَه دَن اُولُونُورُوكِر اُولُ اَعْتِقَاد بِالْمَلَكِدَن دُوقْرَسَه
 قَسَل اُولُونُورُوكِر لِه مَكَال

سنة صوفيتون طايغه سيندند

بعضى كسي نكر مفتي زمانك فتواسنه انجنوب حكيمه عمل =
انجنوب او تركون باشكرين وبلكرين صاله صاله صاغنه وكون
چالغان چالغان ذك الله انسكر توار ايمش بود كلونسند
بزبوني عبادت ديوا عتقاد ايد زرد نوب اصرار اوزينه اولوب
فراغت ايمسك شرعانه لازم اولور الجوان
شرع حرام اولان فعل عيبك عبادت ديحك كافر اولور

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سنة

انجيار به سماع ايدن وديون كنه شنه نك امامتي جانر دكلنه
ديون فتوي ويزد كدن صكرده و نوب سماع ايدن امامت
انجيار دي و كلبي انجيار اولوسه كلوب امامت ايلسه جانر اولور
الجوان

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nr78b

سنة طوي طريغده اولان دوريشكر سلطانك
دعا چيكرند ز اختيار كرينكه هو هودير كر فالتمق ديونك شرعا
حلال مبدور و حرام مبدور شيخكيز اولد زير اشخار بربونه
مخالفت اولد كره مان سلطانك علم شرعي محيط اولد عن
ما مولحق بيك سنان اولك حلال ايسه حرام دين كا فتنه
اولور مجديد ايمان و مجديد نكاح لازم اولور حرام ايسه
حلال دين كافر اولور مجديد ايمان و مجديد نكاح لازم اولور
الجوان حرام زاما حرمته انكار ايدن

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لورين كل

تكفير اولور

مذون طیار ایچجی مسئلہ ۔ ہر منولہ فکرانہ انکر ہا زرد بول ہا زرد کلدر

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مسئلہ ذکر اید زکن تغنی ایدوب

بہتر حروف زیادہ ایدوب ذکر مشغول اولسہ کر شرعاً نہ لازم

اولور الجوانب استغفار لازم اولور لہون کالہ

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جوان کیم مسئلہ ۔ یکنہ باش صابور کہ بانہ ہنقاد ہنقاد ہر با
افتقاد فکرانہ لایح کلور بولر ذکر کونسنیون ورا اما غیر کونسنیون

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لہون کالہ مسئلہ ذکر اللہ صاعنہ وصونہ باشین

و بلین چالقمق عبادت اولیوب فعل عبت اولوب شرعیہ

حرام اولدوغنہ اعتقاد ایدوب فتویٰ نک آمرہنی قبول ایدوب

لیکن ذکر اللہ نہ وجہلہ اتمک کر گذر کہ عند الشرح اکعبادت

وطاعت دینلوب ثواب حاصل اول الجوانب

تنام و کمال تعظیم و بجمی اوزیرہ فریح خاطر لہ مظنہ موریا اولین

یردہ اولیق عبادت دینوب ثواب حاصل اولور لہون کالہ

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nr73b

مسئلہ موفیل کونسنیون ویرہ ایدر کونسنیون فورویو

تکفیر ایدر لہر بانہ طریقہ اتوہ لہ فکر کہ کافولم اولیلہ بولر کونسنیون و فارا

کال لہر لہ و زردہ لاطین مھوزین اولدیر کونسنیون اولدیر کونسنیون

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رقص در بولس مراح انقضه رقص اول حرکت هر که زمانه صوفیایم و دور انه فکر اورا

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مستلک کردن بعضی سینه را اختیار در پیکه قولین برین
بویته و بلیته طم اشدد زردی دونه دونه ذکر اید ز لر قصید
دکله ز بلوان اول حالت حکم حکم رقص
اهل شرع قتنده عوام اول مالته گزک رقص دیسون گزک
دیسون لغدین کال

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مسئله صوفیون طایفه سی حلقه اولوب باشلرین
و کوده لرین صالوب چالغانی چالغانی ذکر الله استه لر عبادتد
دیوشرمانه لایم اولوز الجوان اکتاء ذکرده عبتت فعل
اید لر حرماند ز احمدین کمال

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مسئله اوله ذکر
ایه دکن باشن و بلن حرکت اتد رتمک عبادت اید و کینه
اعتقاه ایدن کیم سندن و عظمی دکلک و مجلسینده حاضر
اولق شرعایم ز بلوان ایستیف جائد کلد لر لغدین کال

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مسئله فلقه فکره فکرین این بی او بر سو سو بولا اختیار

دو نفر علامه بولس هوادر

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دینوں اتے لکھ و فح اتے لکھی نہ لازم اولو روبر نوبز بلینو اتکر کو کہ ورسہ
برکتہ فکر اتے اندر کن باشن ایک مانتہ صالحہ اما کو کس صالحہ نہ لازم اولو روبر
اور اوزر نہ ایہ رسدہ لازم اولو

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مسئلہ رقصہ زبرو بر اولو حرکتہ شینہ و در کہ فلفیہ فکر کس موقیل ایہ در

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مسئلہ رقصہ زبرو بر و فیکہ اتے ماکس حرکتہ مکر کن فیکہ و

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مسئلہ

ذِکْرُ اللَّهِ اَيْدِئُكَ اِخْتِيَارِيكَ قَالِقَمُ حَالًا ذُرْدِيَسْتِ شَرْعَانَهُ لَانِمْ لُؤُفُ
الْحَوَائِجِ بِحَدِّ نَبِيِّكَ لَانِمْ لُؤُفُ

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nr77b

نه لازم اولو روبر لثم اولو روبر لثم اولو روبر لثم اولو روبر لثم اولو روبر
تا بر اولو روبر لثم اولو روبر لثم اولو روبر لثم اولو روبر لثم اولو روبر
ایہ نالہ و ہلہ لکھی ایہ روبر لثم اولو روبر لثم اولو روبر لثم اولو روبر
سماعن اولو روبر لثم اولو روبر لثم اولو روبر لثم اولو روبر لثم اولو روبر
عیالہ فرید عر ضلالہ و رکن فروسہ و ہلہ سنہ فیکہ

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مسئلہ

ذِکْرُ اللَّهِ اَيْدِئُكَ اِخْتِيَارِيكَ رَقْصٌ وَدَوْرَانِ اِتْمَانُ حَالًا ذُرْدِيَسْتِ
اِعْتِقَادِ اَيْدِئُكَ اِخْتِيَارِيكَ شَرْعَانَهُ لَانِمْ لُؤُفُ
الْحَوَائِجِ بِحَدِّ نَبِيِّكَ لَانِمْ لُؤُفُ
اَهْلِ سُنَّتِ اَوْلَقِ قَنَدَه قَالِدِي الْحَرِيْبِ كَالِ

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nr73a-

ان وقت عمل و امر و بر مسند ایتھلا مدرو کلدر و عمل کر کہ و مسند
خ زمانا مہقہ متھو فخر مکر دورہ سنہ مباح و دریدو اعتقاد مکر کفر
مواں کفر و سبش کون اوینا و بر الہی و امانی سالارہ ملتہ فکرمہ اخذ مکر
علا و درید

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سنہ خ زمانا اولاہتو مکر
مکر دورہ سنہ مباح و دریدو اعتقاد و زنون اولانکر فالانج و ربوبی سیر کفر
فالانج ایہ او تو کہ ذہی اولیہ و مکر دورہ ذہی لہ اندک لہ رقی شینو اب

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سنہ ملتہ فکرمہ دورانہ مکر مواں ایر مکر
بلکہ کمال ممنوع اولیہ مکر و اولانکہ سنہ لہ لانج کلور مکر فخر بلینہ ایر و شاکوہ
سوی مکر کور

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مسئله

حاکم الوقت اولان کسکمن صوفیلری رقص و دورانہ ذکرانہ
ایڈو کون منع اتمک شرعا و زرنہ لازمه مید و الحوائس
لان مید و منع اتمک منع اتمیک ایشم اولور لحد بن کمال مسئلہ
تیکسنہ ذکر ایڈ مکرن قالقیوب دونک و یا عن بیره دہانت
حرام اولیحی اصل اسلامدن تیکسنہ کوردوکی وقتن انکار
ایڈوب اتمک حرام ایڈو کون بلین مسلمانلرہ بیلدیر مسی و لحد
الحوائس واجب د ز لحد بن کمال

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nr74b

مسند طایفه و مستصوفه زبیره جمع اولوی عبادت نشین
 ذکر الله ایدرکن نقص ایدرکری شرعاً حلال مدد و حرام مسدود
 و برکست نه کتب فتوییه و فتوی و حقیقیه نکت الکفری بود کینه
 اولان رقصت حرمتیه کاطبق درو کمال تنسب از امام علی و امام زین
 و امام آقا علی فضلای خود موضع مدینه بود رقصت حرمتیه قبیح
 ایش کرد نه حق حرمتیه فتوی و بر مشی کرد در دیدگاه مذکور
 طایفه و مستصوفه بوزکات تعصب اوزر نه مدد بنور قصه حلال
 دین و حرام دین کافر دوز فاد کور الله قیاما و تعودا ایستاده
 ذکر هر طریقه اولور است جوازیه دالدر زبیرا تقدیر علی کل حال
 دیکر مدد یکسر شرعاً نه لازم اولور و اصل حکم دخی بوزر مدد
 مذکور طایفه مسامحه کلوب بومعوله وضع ایدرکن مسیح
 اینه لر واکر ایدر کومه ایش اولور کور
 الحوائج
 رقص حرمتیه مدد عبادت
 حکمتیه اولی عبادت حرمت کیمز بلکه دخی زیاده اولور زبیر
 شریک حرمت حرام دوز مسجد دده اولی جاق دخی زیاده اولور و حلال دین
 ضلالت اوزر نه دوز حرام دینی تکفیر ایدر کندی کافر عورت
 باین اولور ایت مدبور نکت ذکر الله ایدرکن رقصت حلیه دلالت
 یوقد رقصت اسبی هر حاله ذکر الله اولف دین هر حاله حلال اولور
 لازم کله بوزر بیکه اصلن غایت جمالتدن و نهایت
 ضلالتدن ناشی در اصل حکم لازم ذکر اول طایفه و مسیح ایدر
 اکثر ممنوع اولور زبیره تقدیر بلیغ ایدر لر لهدیه مال

کره صیه

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nr79a-80b

مسئله صوفیوں کا یہ ہے

رَقِصْتُ مَلَالَ اِيكُو كَيْتِه اِسْتَسْتَدْلَالَ اِي دُوْب اِيذْ رُكْرُكِه عَوَارِفِ

مَعَارِفِدِه بُو اِيكِي بَيْتِ بُو يَلِه يَا زَلِشْدُ زُ بَيْتِ لَقَدْ سَعَدَتْ خِيَاهُ

كُذِي فَلَا طَيْبَ لَهَا وَلَا رَاقِي اِلَّا الَّذِي قَدْ شَفَعَتْ بِه قَعْدَرِ قِيَّتِي وَتَرِيَا

بُو اِيكِي بَيْتِ اَوْ قِنْدِ قَدِه رَسُوْلِ حَضْرَتِ عَلَيْهِ السَّلَامُ وَجَدِ تَوَاجِدُ

اِي دُوْبِ نِي رُو جِي هَلِه دُو نِدِي كِه مُبَارَكِ اَرْقَه سِتْنِي دُو شُدِي

دِي رُكْرُ اِمْدِي رَسُوْلُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يَا اَحْمَدُ بَيْتِ

دُو نَكْتِ وَاَقِعِ اَوْلَا مَشْتَدُّ الْجَلْبَانِ اِفْتِرَا اِي دِه لَمَرِ

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nr75a

مسئله رقصہ ملا اور بنام

تکفیر اور لہو و ہلہ ایدر لہو سوال اولناہ فتوا لہو آبن اجماعہ در سبجی

مجتہد فامیر ادمش ور ملنہ ویو بولش اما امام شافعی وہ رحمہ اللہ

الرضی لیس مجرام ویونفکر صحتہ تقدیرہ ہوتنہ اجماعہ لہو و اجماعہ تکفیر

اولنورین لہو اولنور ہواں امام شافعی وہ ملنہ قول نقل اولناہ رقص ہوتیال

انواع اولناہ رقص و طکرہ الحنفیہ کفی لہو فرس و پیدیدر لہو رقص من نشیہ

قوما ہونہم

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مسئله

دورانہ کمال ایتمار زید فہ مذہب ملالہ و ربہ اما زید شغل المدبر اول

نہ لانہ اولور ہواں اولہ مذہب ملالہ و کتہ اطہار تقدیر لہو رقص لہو

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أَمَّا رِقْصُكَ حُرْمَتُهُ مُغْتَبَى زَمَانٍ فَتَوَّأُو بِرِسَا
 وَبِرْدُكَ دُونَ حُرْمَتِكَ بِجِهَالٍ مُتَّصِفَةٍ بِكَ مُقْتَدَةِ الرَّيْدَانِ زَيْدَةٍ
 جَامِعَةٍ كَوْرَسِيكَ بِحَقُوبٍ عَلَى مَا لَوْ النَّاصِ رِقْصُ حُرَامِدُ زَيْدٍ
 كَلِمَتُونَ بَرُوبِ بْنِ بُوْرُقْصِي شَمِدِيَهْ دَكْرِي اَيْدِيَهْ كَلِمَتُ شَمِدَانِ صَبْرَةٍ
 دَاخِي اَيْدِيَهْ رَيْنِ دَيْسَهْ زِيْرَا مَلَانْدَهْ مُشَايِجِ سَلْفَدَانِ صَا دِيْر
 اَوْلَشِدُ زَيْسَهْ شُرْعَا زَيْدَهْ نَهْ لَازِمِ اَوْلُوْرُ الْجَوَانِسِ
 سُلْطَانِ زَمَانَهْ لَازِمِ دُرْكَهْ اَوْلِ مَفْسِدِي اَهْلِ سُنَّتِ جَمَاعَتِ
 اَوْ زَيْدَانِ رَفْعِ اَيْدِيُوْبِ مُسْلِمَانِيْرِ مَبَالِغَتَانِ قُوْرَتُوْرُ لَهْرِيْنَ كَالِ
 رِقْصُكَ حُرَامِ اَيْدِيُوْبِكِنَهْ مُغْتَبَى زَمَانِ فَتَوَّأُو بِرِدُكَ دُونَ حُرْمَتِكَ بِجِهَالٍ
 مُتَّصِفَةٍ بِكَ مُقْتَدَةِ الرَّيْدَانِ زَيْدِ جَامِعَتَهْ كَوْرَسِيكَ بِحَقُوبٍ اَيْدِيَهْ
 كَلِمَتُ بِنِ بُوْرُقْصِي شَمِدِيَهْ دَاخِي اَيْدِيَهْ زِيْرَا مَلَانْدَهْ زَيْدِيَهْ
 سَلْفَدَانِ صَا دِيْر اَوْلَشِدُ زَيْسَهْ شُرْعَانَهْ لَازِمِ اَوْلُوْرُ
 الْجَوَانِسِ اَوْلِ مَجْلِسِيَهْ حَاضِرِ اَوْلَانِ اَهْلِ اِسْلَامِيَهْ
 لَازِمِ دُرْكَهْ اَوْلِ مُسْلِمَانِيْرِ اِضْلَالِ اَيْدِيَهْ دَجَالِي جَامِعِ اِبْنِ خَدِيْدَانِ
 بِحَقْرَةِ لِرْحَاكِمِ الْوَقْتِ اَوْلَانَهْ لَازِمِ دُرْكَهْ شَهْرَدَانِ سُوْرَهْ كَسْرِ
 فَتَوَّأُو يَا نَا رِخَانْدَهْ نَقْلِ بُوْتِيَكِهْ دُرْ لَهْرِيْنَ كَالِ

اولاً وولد صحبته اعتقاداً ايده تكثر له من كماله من سنه
 بوزمانده دعوى و تصوف ايده تكثره رقص حرام در حلال و دينى
 فتوى كتاب بلندن تكفيراً ايده تكثره و بونلت او زينه مفتى زمان
 دينى فتوى و بونست دنده يكده بوا امر شريفه بخالفت ايده و بون
 كج و عتقاد ايده و بونست اصلاً امر شرعه رضا و بونست اخيراً
 [مختياره] رقص حلال در دينى و بونست اعتقاداً ايده و حرام دين
 دينه بعض و عدولت او زينه وقت اولسه عند الشرح حكلى دين
 الحوائى سائر كفتوى كنى محمد فى التا زينه و اول كسى فتوى
 حكمتيه كه اول طائفه ملك كفتوى بصرح او بونست دين له من كماله

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nr79b

ذكر ال انما باوند بولر ما زكدر و رساله مفتى الوقف بقره زمانه بكن
 هر كده و بونيه ملاه و بونيه و بونيه و بونيه و بونيه و بونيه و بونيه
 اوله فتوا بيله عمل اهل ما زكدر بولر و بولر و بولر و بولر و بولر و بولر
 عمل اولو

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iu58b

مسند
 حلال دين كرك تكفيراً او لم دينى تقديره فاسق اولور كرك
 الحوائى امر شرع اعلا من دن صكده اضرا
 ايده زكسه فاسق اولوب تغديره مستحق اولور كرك له من كماله
 مسكه زيارتن عيلى زيبلى

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nr80b

ارمن و روزه لازم اولور و بونيه لازم اولور ارمن و بونيه بونيه هر كده
 باب جاز اولن و جاز اولين

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iu47b

مسئله ذبه نغوازه بکدریه یهودیه و بر زلازم اولور هو ان استفاد
لازم اولور مسئله ذریعین اولور اصفه سنه لای زناکیر و غیر کیرین اولور طلو اولور بلورین ندر

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مسئله یهودی زیدک حامله خاتونیه آت طوقند هر سه
خاتونیه وقت وضع حمل ایلسه یهودی زیده درت یوزالی
لحقه ویرسه حالیا زید یهودیدن دخی اچیه طلب ایلسه تمام دیت
الوزین دیسه شرعاً الی بلورینی الجوانب الی بلور اوغلو
اکر جانلو طوغوب اولدیسسه

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nr33b

مؤایه ویرمه که قادر اولور مسئله کافر اولان
یهودی اولان اصناع اولان دیسه شرعاً نه لایم اولور الجوانب
تجدید ایمان و تجدید نکاح لایم اولور مسئله تجدید

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nr65a

مسئله یهودی زیدک حامله خاتونیه آت طوقند هر سه
خاتونیه وقت وضع حمل ایلسه یهودی زیده درت یوزالی
لحقه ویرسه حالیا زید یهودیدن دخی اچیه طلب ایلسه تمام دیت
الوزین دیسه شرعاً الی بلورینی الجوانب الی بلور اوغلو
اکر جانلو طوغوب اولدیسسه

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nr150ab

مسئله بر مسلمان فلان کافر جنک مسلمانان
یک دزدیسه شرعاً نه لایم اولور الجوانب
تجدید ایمان لایم اولور مسئله

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nr71a

مسئله زینت

ایچنج بکله عیونیا ویر و لینه یورکی قوزویشا بقا اولسوه اوزن کیول اولاپر بو

باغوب لهر صحت کولش لوزیم و اهلر صحت زلازع اولور بو اوزن کیول ایماه

واهلر صحت استغفار لازع اولور

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مسئله

بنازه اولاه سماه اولوزن یه کافر کیسه سکیسه زلازع اولور بو ل کجور ایماه

و تغییر لباس لازع اولور مسئله زید فرقه مست لایق اولور الفاظ کوفه

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مسئله

رکنه اوزر کیم عمر و کلور کولر کیم باشنده شایسته بقا ویر لایق علیک و

اولکنه و بی علیک الله و کینه لانه لازع اولور بو استغفار لازع اولور

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iu15b

مسئله و درایت که ذکر الله ایدن صوفی کله شیخانی

بیریره کتملو اولدقده بره بدینی عصا داردی و وضع ایدوب

اول خدمت اکام مخصوص اولوب انواع درلو تعظیمه شیخک

عصا سن او مؤزنده کور مسلر و اهل سنت جماعتدن بعضی

مسلمانلر شهادت ایدوب ایتس لکه بو وجهه عصا کورنک

کافر و لایقنده کوردک آنده عادت بو یکه ذکره راهیلر

آنه بیخک بو وجهه کورنر کور ایدی بو وجهه اولما سنده شرعا

حکم یجه ذکر کفریه تشبیه بولنور حیران

اول تقدیریه کفریه تشبیه بولنور ایود کلا زله بن کلا

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nr80a

مسئله زید و ابیہ بر ابیہ علی کفایہ و بوزنہ شیخ ابیہ

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ز لازم اولور بولور لور لازم اولور

مسئله زید و ابیہ علی کفایہ و بوزنہ شیخ ابیہ

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ابیہ عن ابیہ ویند و کفایہ

دسته لازم اولور استغفار لازم اولور استغفار بر کافیه و اهل علمه بره کوبک

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iu12a

سنک دینو که نه اعتبار سه ضرور اهل علم ضرور کافیه

بر مقدار لقبه سن الویبار شو بفرغت ایله کافیه بفرغت ایلین

اندازه نه لازم اولور استغفار لازم اولور زید و عمر و مسلمان کافیه سه

مسئله زید و ابیہ سنو که کفایه او قوه و غنی ندر و صوره ضروری و اولور کفایه

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iu16a

ز لازم اولور جوان تو بفرغت و کفایه ایلان لازم اولور

مسئله زید و ابیہ علی کفایه و بوزنہ شیخ ابیہ

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دسته لازم اولور بولور کفایه ایلان و کفایه ایلان لازم اولور

مسئله زید و ابیہ سنو که کفایه او قوه و غنی ندر و صوره ضروری و اولور کفایه

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ز لازم اولور بولور کفایه ایلان و کفایه ایلان لازم اولور

مسئله زید و انشد

طایفه منہ اعتقاد اولور مہلین بونک اعتقاد انجین و سہ نہ لازم اولور مہلین
بگیرد ایازہ و کھ نہ نف و لازم اولور مسئلہ زید و مہلین عبا و تکذہ فکاه

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~~مسئله
اللہ تعالیٰ عالم الغیب و الخفی عالم و خارجہ و باطنہ و کبریٰ و خضیٰ عالم است و کبریٰ و خضیٰ عالم
اولور مہلین عبا و تکذہ فکاه~~

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مسئله زید و دنیا پاشد

عالم اولور سلطانہ سیمہ و نفی عالم اولور وید بکو عالم بویله وین کنند کا و غور و دیوش اولور
و سہ عالم وینہ نہ لازم اولور و این نہ لازم لعل وینا پاشد و مہلینہ نوش الر و ان
کا فزاکن عالم اولور شد و غور و دیوش عالم اولور وید بکو عالم بویله وین کنند کا و غور و دیوش اولور
و تہ سہ بولمغلہ عالم اولور و اولور

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مسئله زید و اعظ نصیحت اولور کین سلیمان اولور پادشاه و رعایت اتمک کور زیر احو تعالی
پادشاه قرآنله بر این خلق امتشدر دہ نہ لازم اولور مولر استغفار لازم اولور

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مسئله

فداوند کا رانیو و قیاسی ایکن یوکی فی نفسہ عکس لای فی طوفان اولور ویند
طہر و سہ وید و کذا بایر اولور لای فی نہ لازم اولور مہلین عبا و تکذہ فکاه و سہ سیاستا
قتلہ ماستی اولور

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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له

زيد امام وقتن مسیح کلیوں کا متن اول تو قی الہد لہ سرع امام
تہ لانج اولور بولس غلامستی اولور

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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مُسْتَسْقِئَةً مِمَّا رَدَّ عَلَيْهِ زَيْدٌ أَمَّا الْأَصْلُ وَالْإِيْحَضُ وَالْقَلْبُ فَحَدِيثُ
 أَكْبَارِ الْفُقَهَاءِ وَنَسَبُ بَدَنِ عَزَلِ أَوْلِيَاءِ وَشُكْرُ زَيْدِ الْحَمْرِ مَحْدُودَةٌ
 أَمَّا أَوْلِيَاءُ الْمَعْتَنَى جَانِبًا وَزَيْدِ الْحَمْرِ أَوْلَادٌ عَجَبًا

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بِزِيَّتِ يَا تَوَكَّرْهُ وَأَمَامَ بِنُزُوقِ بِلُورِ

حَتَّى كَلِمَاتِهِمْ كَلِمَاتُكَ دَعَا نَسَبًا كَأَقْوَامِكَ دَعَا عَمْرًا وَبِكْرًا تَرَاعَ أَيْدِي

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دَعَا أَمَامَ جَانِبًا مَدْرُوبًا سَتَفَارَ أَعْيُنَ عَارِ وَكَلِمَاتُ

مُسْتَسْقِئَةً زَيْدُكَ عَوَزِي يَا نَزْرُ فَعَلِ أَيْدِي زَيْدٍ يُوْخَلِقُ أَرَأَيْتَ سِنْدَهُ
 مَسَاوِي أَوْلِيَاءَهُ زَيْدٌ مَذْبُورٌ أَمَامَتِ أَيْدِيكَ خَلَقَ نَاعِمَةً مَعْقُولِ
 فَعَلِ أَيْدِي زَيْدٍ يُوْأَرِدُنْدَهُ نَارَ قَلْبِي وَبِ رَدِّ أَيْلَسَارِ زَيْدِكَ شَهَادَتِي
 مَقْبُولِ أَوْلِيَاءِي الْجَوَانِبِ أَوْلِيَاءُ أَوْ كَرَّمَ عَدَا لَيْتَ ظَاهِرِ
 أَيْتَ مَسْتَسْقِئَةً تَوَكَّرَ وَشَطْرِيحَ بَارَاؤُنْ لَسْرُكَ تَوَكَّرَ شَطْرِيحَ

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مُسْتَسْقِئَةً زَيْدٌ وَارُوبُ بِنَامَةِ أَوْلِيَاءِ جَمَاعَتِكَ نَمَازِ طَيْسِهِ
 بَعْدَهُ زَيْدٌ بِلِسَانِكَ أَمَامَ أَوْلِيَاءِ كَمَسْنَهُ دَوْرَانِكَ ذَكَرَ اللَّهُ أَيْدِي
 صُوفِيَّةٍ دَرَنَ أَيْمِشَ نَمَازِي نِي كِرْوَا عَادَهُ أَيْدِي وَبِ دُونَ دَرَمَاتِ
 شَرَّ جَانِبِي مَذْبُورِ الْجَوَانِبِ لَأَزِيدُ زَاكِرًا رَقِصَ
 حَلَالُ دُرْدِيْنِ صُوفِيَّةٍ دَرَنَ أَيْسَهُ لَعْنَتِ بِنِ كَالِ مَسْتَسْقِئَةً
 اِخْتِيَارِيكَ دُونَ صُوفِيَّةٍ حَلَالُ دُرْدِيُوْا عَيْتَادِ أَيْدِي كَمَسْنَهُ نَكِ
 أَمَامَتِي جَانِبِي مَذْبُورِ الْجَوَانِبِ دَكَلُورُ لَعْنَتِ بِنِ كَالِ

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مسئلہ

بِأَوَامِنِ اللَّهِ سُكُنَا الْجُحُونَ وَقَفَّ أُولَئِكَ الْأِمَامَ كَيْدِي سِنَا كِنِ أَوْلِيَا سِي
إِجَارِيهِ وَبِهِ إِجَارُهُ لِقِيهِ سِي إِمَامَهُ حَلَالٌ أَوْلُو رَجَبٍ لِلْجَائِبِ
حَلَالٌ أَوْلَا سُكُنَا الْجُحُونَ وَقَفَّ أُولَئِكَ أَوْلِيَا سِي كَيْدِي سِنَا كِنِ أَوْلِيَا سِي

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مسئلہ نماز

کیوں نہیں نماز امام علیؑ کے لئے ہر اندوہ آجہ ملاکہ اولوی ہو اور طبعی طور پر اولی

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مسئلہ خطیب و مؤذن و اهل علم ایضاً سنی زکوٰۃ
بَادِرًا وَبِئْسَ مَا سَمِعْتُمْ مِنْ قَبْلِ الصَّلَاةِ وَبَعْدَ الصَّلَاةِ مَسْمُورًا
تَسْمَعُهُ جَزَائِرًا كَرْمًا لَانْكَرَهُ وَوَبُرُوبًا وَالْأَنْكَرَهُ جَائِرًا مَدِيدًا
لِلْجَائِبِ جَائِرًا مَدِيدًا أَوْلِيَا سِي كَيْدِي سِنَا كِنِ أَوْلِيَا سِي

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مسئلہ ہندوؤں

اولوی تھے وقتہ اجازت دی کہ وہ اور کون سے لوگ ہو یا غنہ ہو یا یوں ہی
اولی تھے نہ لازم ہو اور یوں وغیرہ سنی اولی

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مسئلہ فقہ زمانہ تو اس میں بھی عموماً قاضیہ نہ لازم اولی ہو اور غلام مستحق اولی

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المبلورين مولى النور مسئله بزنايک عورده و قنوز و قنوز تراش

فاخته کله مشهور اول شوی اوله تا بیکر شایم ماوند

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مولر بایر و شمعون الله بجان

ومن توفیقہ

بسم الله الرحمن الرحیم

مسئله زید عمر و فطین لفتح غایبانه کی فوکه در و سه نه لازم اولور بولوب

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موز لازم اولور

ایک نه لازم اولور بولوب کجدا ایماه لازم اولور عوامه نه ایسه مسئله زید امام

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امام لفته و عار دار سکنه اماملی و رور نه لازم اولور بولوب نور یلتم و کجدا ایماه لازم

اولور و کجدا ایماه لازم اولور

استغفار لار ندر اولور مسئله زید بر قاضی نایینه بجملا کتر و یو کرا و سه شریعی

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نه بولوب اولور کجدا ایماه لازم اولور

مسئله زید قاضی کور که اهل ایوسته لفتح سه نه لازم اولور موز لازم اولور

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موز نه لازم اولور مسیله زید سپاهین بولوب ایملر و دلا بتر اهل سنه دتوق

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طریق ابله و قونیز دیو المعتمی ایله ایطاع و شوریدر ایملر ایدر کجدا ایماه لازم اولور

نه لازم اولور بولوب مسئله لازم اولور

جَمَاعَةُ الْفَتَاوَى الْمَشْرِقِيَّةِ
أَيُّوبُ عَمَلِ ائِمَّانٍ كَيْسَتْ نَكَرَهُ شَرَعَانَهُ لِأَنَّهُ أَوْلُوهُ الْجَوَانِبِ
كَأَفْرَ أَوْلُوهُ زَيْدٍ عَمْرٍو شَرَعَانَهُ



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مَسْئَلَةٌ فِي زَيْدٍ وَأَعْيُنُ أَمْرٍو دَيْنُهُ بِمَعْنَى زَمَانِ الْفَتَاوَى
فَتَوَى نَسَبٌ كَمَا فِي كِتَابِ الْفَتْوَى وَفِيهَا قَوْلُهُ لَمَّا سَأَلْتُهُ
وَدَخَلِي حَالَهُ تَبَيَّنَ قَوْلُهُ ائِمَّانٍ كَيْسَتْ نَكَرَهُ لِأَنَّهُ أَوْلُوهُ الْجَوَانِبِ
الْحَى ائِمَّانٍ كَيْسَتْ نَكَرَهُ لِأَنَّهُ أَوْلُوهُ الْجَوَانِبِ
تَعْدِيلٌ بَلِيغٌ فِي زَيْدٍ عَمْرٍو شَرَعَانَهُ لِأَنَّهُ أَوْلُوهُ الْجَوَانِبِ

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مسئله زید فقہی زمانہ فتاویٰ دوزہ مانید ہوں

اولیٰ نہ اعتبار ہے نہ لازم کلور بول تو یزینہ و کجیہ ایمانہ لازم کلور مسئلہ
زیدہ نماز کہ شہادہ کی فروممانہ اور زہ بازہ کلور فقہی زمانہ فتاویٰ وارودہ عمرہ و حج
عسیر قولہ یوقولہ یوین کل اولہ نہ لازم کلور بول تو یزینہ و کجیہ ایمانہ لازم اولور

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مسئلہ زید بن ابی شریبہ اولادہ عمروہ دعوانہ ہوا فوج فتویٰ کور کور کن تاپیر زین
ہی بوغازنہ اصلا سنجیہ بطا شریبہ فتواہ فی غیر ہنہ زید بولکہ کسی فتواہ متوافقہ
فوقدس ہے نہ لازم اولور بول تو یزینہ و کجیہ ایمانہ لازم کلور مسئلہ رکنتہ

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مسئلہ یوین اللہ و ربوہ فکلمیکہ استہزائہ خیر اہل عمرہ و ذوقہ ابوجہ حقیقہ اہل ربان
و سنو کہ مقلد ہی بو ذوقہ اہل ربوہ زیدہ و فتواہ اہل ربانہ یفسر فتواہ کو کہ فتواہ
لازم کلور بول تو یزینہ و کجیہ ایمانہ لازم کلور مسئلہ زید عمروہ مقلد ہی استہزائہ

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مسئله زید

درستی فتوای فتوایان محمود و یون محمود اودقتی که نه اعتبار بر اصرار زید فتوایان
نه لان و بر نور ملتو و بجهت امامه لازم در مسئله زید محمود و زید فتوایان و یون

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مسئله فتوایان زید فتوایان محمود و یون محمود اودقتی که نه اعتبار بر اصرار زید فتوایان
نه لان و بر نور ملتو و بجهت امامه لازم در مسئله زید محمود و زید فتوایان و یون

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مسئله

تذکره فتوایان زید فتوایان محمود و یون محمود اودقتی که نه اعتبار بر اصرار زید فتوایان
نه لان و بر نور ملتو و بجهت امامه لازم در مسئله زید محمود و زید فتوایان و یون

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تذکره فتوایان زید فتوایان محمود و یون محمود اودقتی که نه اعتبار بر اصرار زید فتوایان
نه لان و بر نور ملتو و بجهت امامه لازم در مسئله زید محمود و زید فتوایان و یون

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مسئله زید فتوایان محمود و یون محمود اودقتی که نه اعتبار بر اصرار زید فتوایان
نه لان و بر نور ملتو و بجهت امامه لازم در مسئله زید محمود و زید فتوایان و یون

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اولی الامرین کماله منسبتا له و یزید و یون محمود اودقتی که نه اعتبار بر اصرار زید فتوایان
نه لان و بر نور ملتو و بجهت امامه لازم در مسئله زید محمود و زید فتوایان و یون

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یون محمود و یون محمود اودقتی که نه اعتبار بر اصرار زید فتوایان
نه لان و بر نور ملتو و بجهت امامه لازم در مسئله زید محمود و زید فتوایان و یون

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